# TABLE OF CONTENTS

THE DOCKET SHEET

VOLUME 18

JANUARY 1981 - JANUARY 1982

PAGE

NUMBER 1 ........................................ 1

NUMBER 2 ........................................ 9

NUMBER 3 ........................................ 17

NUMBER 4 ........................................ 25

NUMBER 5 ........................................ 33

NUMBER 6 ........................................ 41

MAR 22 1982 738-A Ju 6.12: 18/1

HAPPY 1981!

The Docket Sheet
Canton
SUPREME COURT OF THE UNITED STATES

VOLUME 18, NUMBER 1

JANUARY-FEBRUARY 1981

COMPLETED ORIGINAL

TWO BRANCHES

PHOTO — Kim Nielsen

(See Page 2)

## TWO BRANCHES

Preparing to assume office as the fortieth President of the United States, Ronald Reagan paid a courtesy call on the Third Branch of Government. Vice-President-Designate George Bush accompanied him.

Mr. Reagan and Mr. Bush visited briefly with the **Chief Justice** in his chambers and then walked into the adjoining Justices' Conference Room to sign the Court's guest book. The former California governor was interested to see Mr. Bush take the pen in his left hand.

"A southpaw!", he exclaimed to the Chief Justice.

More than fifty news men and women, grouped behind the Justices' conference table, looked on at the signing, many of them recording the event with still cameras and TV film.

The half hour visit concluded with coffee and tea in the Justices' dining room with all but one of the Justices present. **Justice Rehnquist** was absent, filling a speaking engagement at the Vanderbilt University law school, an event scheduled months earlier.

In the cover photo, from left to right, posing in front of the fireplace in the Justices' second floor dining room, are **Justices Blackmun, Stevens, White, Stewart** and **Brennan,** Mr. Bush, the Chief Justice, Mr. Reagan, and **Justices Marshall** and **Powell.**

More than 100 Court employees greeted the President-Designate as he departed through the Great Hall. Another crowd of nearly 1,000 including scores of cameramen watched as the Executive Branch leadership-to-be walked across the front plaza to cars on First Street.

News personnel were interested in precedents. Court staff members recalled visits by Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon, and the Justices' own White House call on President Carter, but memories of read history had to be drawn upon to recall an instance when a not-yet-inaugurated President had come to call. Some remembered that in the late 18th and early 19th centuries before the time of TV, radio and telephones a newly-arrived President-to-be would visit others in the Capital leadership to announce his presence in the city. In those years Justices and Senators shared the Capitol's north wing.

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## THE COURT IN HISTORY

**190 years ago, February 1791.** Turning its back on its first headquarters in New York City, the Court meets for a two-day Term in Philadelphia, the new national capital.

**180 years ago, February 4, 1801. John Marshall** begins a 34-year term as Chief Justice.

**March 4, 1801.** Chief Justice Marshall swears in his cousin, Thomas Jefferson, as President.

**165 years ago, 1816. Joseph Story** writes the Court Opinion in Martin v. Hunter's Lessee, affirming the Court's jurisdiction over state as well as federal courts.

**90 years ago, 1891.** Struggling with a four-year backlog, the Court receives relief as Congress creates the United States Courts of Appeals.

**40 years ago, January 3, 1941.** Retirement of Justice **James Clark McReynolds**, at 78, after 26 years on the Court.

## Library
## Supreme Court of the United States

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By **Sharron FitzGerald**

Additions of interest:

GAL, Allon. **Brandeis** of Boston. Harvard U. Press, 1980.

GRACHEK, Arthur F. U.S. Senate debate on Supreme Court Nominations, 1925-1970. University Microfilms, Ann Arbor, 1974.

HODDER-WILLIAMS, Richard. The Politics of the U.S. Supreme Court, Allen & Unwin, London, 1980.

LEAVITT, Donald C. Attitudes and Ideology on the White Court, 1910-1920. University Microfilms, Ann Arbor, 1970.

PROVINE, Doris Marie. Case selection in the U.S. Supreme Court. U. of Chicago Press, 1980.

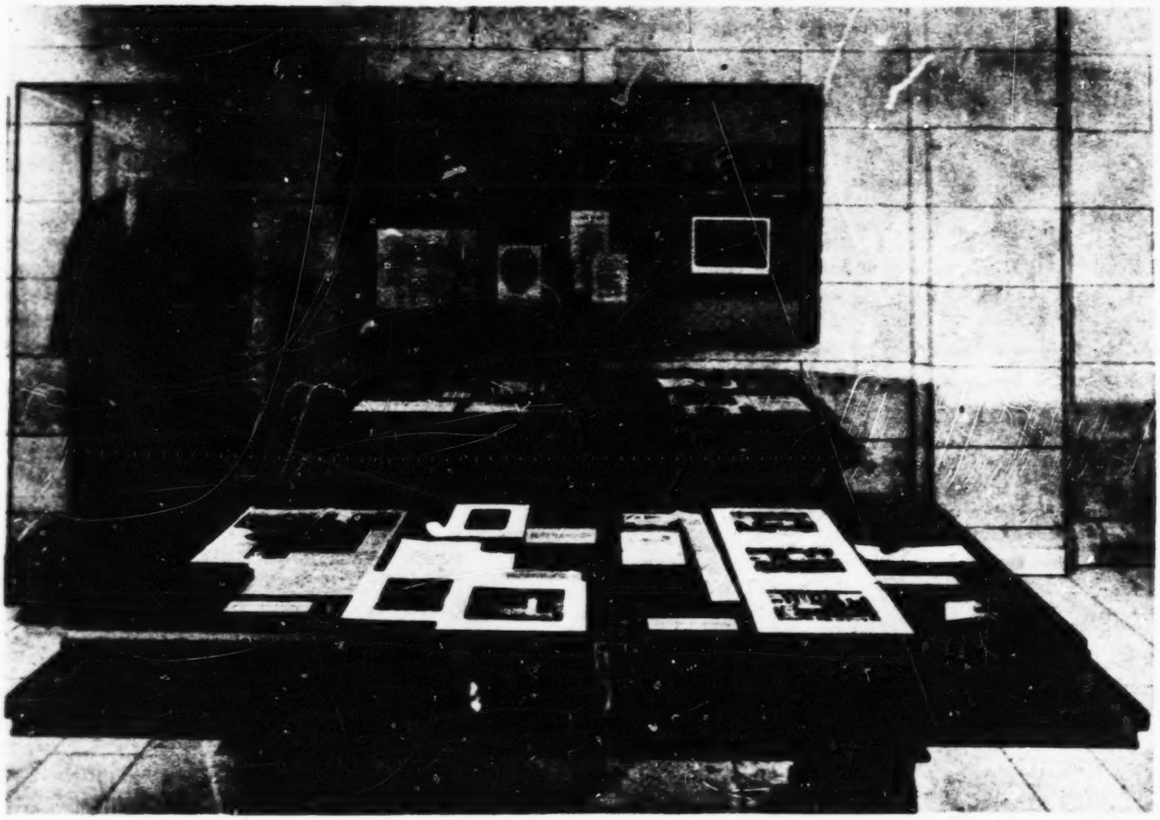
STEWART, David M. Supreme Court appointments during the Harding and Coolidge administrations. University Microfilms, Ann Arbor, 1974.

## IN THE PICTURE

Staffers have been studying with interest a half page picture in color on page 24 of the United States News and World Report (December 1 issue). Along with the **Chief Justice,** Mr. Bush and Mr. Reagan in an historic pose in the foreground, one can see a line of Court employees in the background at the top of the building's front steps. Among them are **Pat Dean** and **Coleman Williams** of **Clerk Rodak's** staff, Reporter of Decisions **Henry Lind** and his staffers: **Ron Jones, Susan Herndon, Tom Oliver** and **Verdery Gilchrist; Trudy Fry, Sam Seabrook Victor Dalquist, David Sims** and **Charles Cornelison** of **Marshal Wong's** office, **Frank Howarth** of the staff of **Cabinet Maker Ed Douglas, William Walker** and **Eileen Fregosi** of **Librarian Jacob's** team, **Benny Lu** of **Jim Donovan's** computer staff and **Mary Beth Clark** of the Public Information Office.

The Docket Sheet is a bi-monthly published by the Public Information Officer, **Barrett McGurn.** Assistant editors are **Mary Beth Clark** and **Laura Carlan.** Typesetting and printing is by Di Cesare & Associates.

# THE ELEVENTH CHIEF JUSTICE



The **Hughes** exhibit
On the left is the robe the Chief Justice wore.

If you have not had time to study the **Charles Evans Hughes** exhibit which **Curator Gail Galloway** and **Assistant Curator Susanne Owens** have installed in the Northwest ground floor exhibit hall, don't miss the opportunity. Some startling footnotes to Court history are included.

Charles Evans Hughes - one of four to serve both as an Associate Justice and as Chief Justice - had a series of distinguished careers, all of them reflected in what Gail and Susanne have assembled from the Court's own collection, that of the Historical Society, from Brown, Columbia and Cornell universities, from the Library of Congress and the Smithsonian, from the State Department, and from a variety of lenders in New York, New Jersey, Virginia, Michigan, Connecticut and Rhode Island. Most notable by far among the donors was Chief Justice Hughes' daughter, **Mrs. William T. Gossett**, chairman of the Historical Society.

These are among items which should not be missed:

A 23-page volume, "Short Words to Read and Spell", inscribed in pencil on the flyleaf: "My first spelling book C.E.H." (This has been loaned by Granddaughter **Helen Hughes Campbell** of Stonington, Connecticut).

A handwritten letter from Brown University by the 17-year-old future Chief Justice, explaining to his clergyman father how the faculty graded students "ex for excellent, v.g. for very good, g. for good". The student added: "There is one fellow who got five ex's I hear . . . I think I ought to have two . . . I may not have any". How well he did as a 19-year-old senior, the youngest member of the graduating class, is indicated by another exhibit, the $41.50 bill for all expenses (tuition, room and board) for the 1880-1881 semester: one V.G. for French, but "ex's" for everything else: history, philosophy, German, Greek and Italian. (Both items are from the Brown University archives.)

There are artist renditions of the famous Hughes beard by Howard Chandler Christy (an oil painted from life and lent by the State Department) and by Ferdinand R. Petrie (pencil drawing, a gift of Mr. and Mrs. Milton Turner of Kenwood, Maryland.) What may come as news to many, however, is an explanation of how the beard originated. It was in 1890 when the young 28-year-old father of a family

(Continued on page 8)

## TO THE EDITOR

"I read with interest the trivia questions and answers in the November 1980 Docket Sheet. There is a much more recent answer for number 19 ... **Mr. Justice Rehnquist** wrote the opinion for the Court in United States v. Jenkins (420 U.S. 358 1975). He also wrote the opinion for the Court in United States v. Scott (437 U.S. 82 - 1978) in which Jenkins was overruled", A Justice.

"Thank you for sending me the November 1980 issue of the Docket Sheet. I'm flattered that my Trivia Quiz was of interest to you", Professor Maurice Kelman, Wayne State U., Detroit.

"I have read the September 1980 Docket Sheet with interest . . . With regard to **Justice Gray** as 'the father of the Law Clerks', it is my belief that **Brandeis** became Gray's law clerk in 1879 just after moving to Boston from St. Louis . . . See LDB's letters of July 31, 1879, to his brother, and July 20, 1879, to his mother in Volume I, Letters of LDB, Urofsky and Levy, Albany, 1971. Has another clerked on a lower court with the judge moving on to the Supreme Court and, later, the clerk moving on similarly?" Burton C. Bernard, St. Louis.

(The list of former Supreme Court law clerks maintained in the Office of the Marshal does not include the name of Louis Dembitz Brandeis but the letters of "LDB" and the five-volume "The Justices of the United States Supreme Court" (Friedman and Israel, 1969) make clear that LDB was a clerk of Massachusetts Supreme Court Chief Justice Gray in Boston before the latter brought the law clerk institution to the Supreme Court of the United States in 1886. The Urofsky-Levy collection of Brandeis letters shows LDB telling Frederika Dembitz Brandeis, his mother, in mid-July 1879 (when he was 22), that "every day this week I stayed at the C.J. till 2 o'clock", while "because I have little or no work to do for the C.J. I shall devote myself this week to our own affairs, try to collect some debts for a client and probably examine a title for a lot". To his brother, Alfred, the future Justice added on the last day of the same month: "My work with the C.J. . . . will continue with slight interruptions to the 1st of September (then Court convenes.) It is as pleasant and interesting as ever, and I feel very much its instructiveness . . . Tuesday evening **Holmes,*** Warren & I spent at Warren's room over a glass of . . . (mixture of champagne and beer), telling jokes and talking Summum bonum, i.e. Warren & Holmes talked and I lay stretched on a ship's chair".

"I am a faithful reader of the Docket Sheet . . . As the First Vice-President of the National Association of Legal Assistants Inc., I was wondering if there are any para-legals or legal assistants working in the Supreme Court", David P. Della Penta, Tulsa.

(The Office of the Reporter of Decisions is an example of Court areas where "para-legals" are employed. One job-listing in this past September, for example, called for a "staff assistant" with a "general familiarity with . . . the methods of legal research" as preparation for work on the checking of citations and quotations, and similar tasks.)

***Oliver Windell Holmes**

## WORDS

Reporter of Decisions **Henry Lind** took umbrage at a Washington Star editorial which objected to a word in an Opinion. While the Star ran no retraction it did give Henry space in its columns to sound a dissenting note.

The word was "authored". The Star objected, contending that "author" is not a verb. Thomas Jefferson, for instance, did not "author" the Declaration of Independence. One may father a child, doctor a patient or even, possibly, parent a child, but one cannot child a parent, Olivier cannot actor a role, Aristotle did not philosopher the Poetics, Socrates did not teacher Athenians and writers cannot author anything. That, at least, was the Star's view.

Henry demurred. Author, he told the Star and its readers, has been a verb perhaps as long as it has been a noun. Authorities? Webster's International (2d and 3rd editions), no qualifications, American Heritage, 1969 ed. (with qualification). Oxford English (1933 ed.) listed as obsolete. Definition in all these? "To be the author of", "to write".

## HAPPY BIRTHDAY

To **Justice Stewart** on January 23

Also in January to:

| | |
|---|---|
| 1 | Roger Jacobs |
| 2 | Betty Clowers<br>David Sims |
| 3 | Maggie DuPree<br>James Perry |
| 6 | Mary Ann Sust<br>Lou Cornio |
| 8 | Paul Kahn<br>Leo Jackson<br>Jeffrey Morris |
| 10 | Lyle Evanoff<br>Sandra Seeles |
| 13 | Janie Mundey<br>James Zagami |
| 16 | Odessa White |
| 18 | Jessie White |
| 22 | Kevin Ferguson<br>Emily Porter |
| 24 | Cynthia L. Kranz<br>Richard Morgan |
| 25 | Sandy Dorsey<br>Sun-Hoe Ku |
| 26 | William Guiles<br>Vonzelle Lewis |
| 27 | Louise Covington<br>Jane McHale<br>Carolin Pride<br>John Roberts |
| 29 | Donald Lee Crawford<br>Henry Ritter |
| 30 | William Brannon<br>Al Steves |
| 31 | Ginny Egelston<br>Betsy Saxon<br>Richard Schickele |

And in February to:

| | |
|---|---|
| 1 | Thomas Metzloff<br>James Robbins |
| 2 | June Hoffman |
| 3 | Ed Faircloth |
| 3 | Norma Smedley<br>Janet Pully |
| 8 | Willie Hamilton<br>Susan Herndon |
| 9 | Robert Che[illegible]<br>Roland Go[illegible]raw<br>Mathew Hawkins |
| 11 | Charles Akins<br>Chris Jordan |
| 13 | Tim Moore |
| 14 | Dane Hawkins |
| 15 | John Sharp |
| 16 | Steve Sokoloski |
| 20 | Joseph McFalls |
| 21 | Laura Carlan |
| 22 | Evelyn Anderson<br>Bettie Claude |
| 23 | Carl Schneider |
| 26 | Beth Cooper<br>Charles Johnson |
| 28 | Edward Hall |
| 29 | John Carroll |

## IN MEMORIAM

Two departed Justices, **William O. Douglas**, and **Stanley F. Reed**,* were the subjects of memorial services and encomia arranged by the Bar of the Court.

A 23-page resolution adopted by the Court Bar and presented to the Justices in the Courtroom made the point that "the sheer volume of (Justice Douglas') output during his 36 years on the Court is overwhelming".

"But", the resolution added, such a statement "does not measure (the Justice's) activities" during those 36 Court years:

"It is an extraordinary fact that, simultaneously, he was in the vanguard of other great causes. He was a world traveler who, in a number of impressive publications, alerted the nation to the problems and aspirations of the people of the less developed parts of our planet, which have become a central fact in the life of our nation and world. He was a prophet and pioneer with respect to environmental concerns; his activities and writings were of early and signal importance in developing programs for the protection of our forests, rivers, streams and mountains . . . We record our acknowledgement of his participation as a constructive leader in three of the great issues of our time; the expansion of human rights and liberty, the protection of the environment, and the recognition of the rightful demands of the less privileged people of the world".

Solicitor General Wade McCree read excerpts of the resolution to the Justices, Attorney General Benjamin Civiletti moved the acceptance of the document, and the Chief Justice made the resolution part of the permanent Court record.

*See the Docket Sheet of March-April 1981 for a report on the commemoration of Justice Reed.

## DID YOU KNOW

That the offices of Chief Justice and Attorney General are not the most ancient of American legal positions?

According to the American Bar Journal the honor of priority goes to the position of Judge Advocate of the Army, an office now known as Judge Advocate General. The Continental Congress, in one of the early actions leading to the eventual creation of the United States Government, chose William Tudor, one of John Adams' former Boston law students, to be the first occupant of the position. The date was July 29, 1775, and the place was Philadelphia. Many distinguished lawyers have followed Mr. Tudor in the JAG Corps, the Bar journal noted, listing **Chief Justice John Marshall** and **Justice Felix Frankfurter** as examples.

Among JAG Corps veterans currently serving the Court are **Jan Horbaly**, special assistant to the **Chief Justice**, legal officer **Joe Caldwell** and Chief Deputy Marshal **Charles Cornelison**.

## QUOTATION

**Mr. Justice Jackson**, dissenting in District Director Shaughnessy of Immigration and Naturalization v. United States ex re Mezai, March 16, 1953: "This man, who seems to have led a life of unrelieved insignificance, must have been astonished to find himself suddenly putting the Government of the United States in such fear that it was afraid to tell him why it was afraid of him".

**NEXT ISSUE:
CHIEF JUSTICES**

## SERVICE

More than half a millenium of service to the Court and Government was honored in a brief West Conference Room ceremony over which the **Chief Justice** presided. Records in the office of **Deputy Marshal Dina Zucconi** showed that the Chief Justice and **Justice Blackmun** have been on the Court for a decade, while **Justice Stewart** has served the government 30 years, **Justice Rehnquist** 15 years, and **Justice Powell** 10 years.

### For Supreme Court Service

*30 YEARS*

**Schade, Ed**

*25 YEARS*

**Hagans, Annie**
**Johnson, Henry**
**Reil Joseph**

*20 YEARS*

**Clemencia, Jean**
**Hoffman, June**
**Parks, Edith**
**Sokoloski, Steve**
**White, Odessa**

*15 YEARS*

**Billingsley, Ella Ruth**
**Clowers, Betty**
**Drexhagen, John**
**Hicks, Pauline**
**Smith, Paul**

*10 YEARS*

**Barbour, Mary**
**Elmore, Mary**
**Hawkins, Arbor**
**Ronningen, Judith**
**Terry, Eugene**

*35 YEARS*

**Chase, Robert**
**Martin, Howard**
**Ruf, Edward**
**Schafer, Joseph**

*30 YEARS*

**Crawford, Alfred**
**Griffin, James**
**McCormack, Bill**
**McHale, Jane**
**Mitchell, Edward**
**Moore, Louis**
**Nash, James**
**Suries, James**
**Thomas, Frank**

### For Government Service

*25 YEARS*

**Anzallo, Joseph**
**Frank, Clinton**
**Petchan, Johanna**
**Sullivan, John**

*20 YEARS*

**Angell, Lois**
**Antonio, John**
**Bliss, Wayne**
**Porter, Emily**
**Watts, Della**
**Williams, Willie**

*15 YEARS*

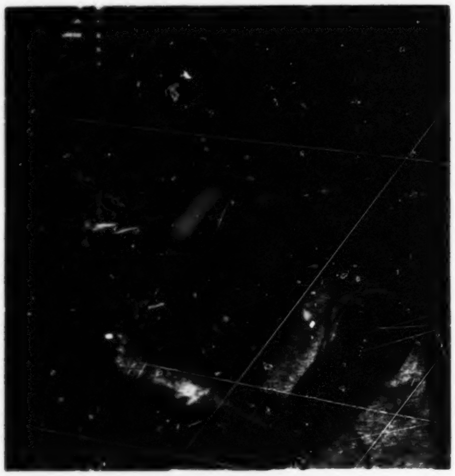
**Cannon, Mark**
**Courbois, Caroline**
**Ritter, Henry**
**Pitts, Nellie**
**Tyree, Lillian**

*10 YEARS*

**Blandford, Linda**
**Crew, Brenda**
**Fenwick, Harry**
**Fry, Gertrude**
**Hence, Kathleen**
**Henderson, James**
**Lewis, Cassandra**
**Messent, Vickie**
**Pohlod, Darlene**
**Pugh, Wendell**
**Weaver, Gertrude**

# BACK OF THE BOOK FROM AROUND THE BUILDING

## RUTH BILLINGSLEY RETIRES



**Ruth Billingsley** (photo above left) has retired after sixteen Court years during which she served as the first point of contact for thousands of persons having business with this institution. Ruth worked under sixteen Justices starting in 1964 when **Chief Justice Warren** and **Justices Black, Harlan, Clark** and **Goldberg** were among those on the Bench. For her first twelve years Ruth was a telephone operator working the cord switchboard which was then located in room 29, now the Public Information Office. In the picture above Ruth is shown (on the left,) working the old switchboard along with Mrs. **Dorothy Latimer** who continues as Telephone Supervisor.

For the past four years Ruth worked in the Library, receiving visitors. Most recently Ruth shouldered major responsibilities for circulation records.

### CHIEF DEPUTY MARSHAL

Charles Cornelison, who came to the Court some months ago after many years of service with the office of the Army's Judge Advocate General, is now Chief Deputy Marshal of the Court.

### NEW LEGAL OFFICER

**Richard G. "Ric" Schickele** is the new Legal Officer, working with **Joe Caldwell.** Ric is seventh in a series begun by **Ken Ripple** in 1972. A native of Berkeley, California, Ric grew up in Italy, the Netherlands, Thailand, Vietnam and the Philippines. Ric did his senior high school year back in Berkeley, went later to Whitman College in Walla Walla, Washington, and then took his law degree at Boalt Hall in the U. of California. After work as a court commissioner in a state trial court and as an associate in a civil litigation firm, he became senior motions attorney for the 9th Circuit U.S. Court of Appeals. An avid soccer player, Ric hopes to find a team here.

### STAFF ADDITIONS

**Susan Herndon** has come from the office of Senator DeConcini to be a staff assistant to Reporter of Decisions **Henry Lind** . . . **Deborah Savage** is on Clerk **Mike Rodak's** staff . . . **John B. Carroll** is now Woodworker III on the team of Cabinet Maker Ed Douglas . . . **Barbara Loonan** who worked last summer as a Library messenger is back now as a member of the Secretarial Support Unit . . . Temporary messengers are **Ronald S. May** and **Carolyn Dupree** in Marshal **Al Wong's** office, and **Marguerite Y. Hill** on the staff of **Librarian Roger Jacobs. Patricia E. Jones, William Walker** and **Ellen M. Carey** are temporary messengers for the Marshal and Librarian . . . Also in the Library are **Kevin M. Tolbert** as temporary Under Library Assistant, substituting for **Ollie Jackson,** and **Kathleen E. Tycz,** Acquisitions Clerk, substituting for **Cindy Kranz. John Douglas** is new to the Labor Force.

### TRAINING PROGRAMS

**Stephen T. Bennett** took part in a one-day seminar at George Washington U. on "Library Techniques for Support Personnel" . . . **Sharron FitzGerald,** also of the Library, shared in a two-day seminar at the U. of Maryland on "Managerial and

## THE JUSTICES

The Library of Congress Photo Duplication Service (10 First Street S.E., Washington D.C. 20540) has black and white and color portraits of each of the Justices. Those wishing to obtain prints should use the basic code number (LC-USZC6) plus the specific number of each picture. The group picture has 22 as its suffix and the portrait of the **Chief Justice** 23. The Associate Justices are listed in alphetical order: **Justice Blackmun** with suffix 24, **Justice Brennan** suffix 25, on through **Justice White** with suffix 31.

Reader's Digest has prepared a first day cover for the Dolley Madison fifteen-cent stamp which will be issued on Inauguration Day, January 20. The cover will carry a sketch of the **Chief Justice** in profile swearing in President Reagan.

The Chief Justice spoke at the dedication of the law school at the University of Puget Sound . . . The Fordham Law Review ran an article by the Chief Justice commenting on progress toward greater competence in courtroom advocacy . . .

**Justice Brennan** was the author of tributes to Chief Justice Richard J. Hughes and Justice Worrall F. Mountain of the New Jersey Supreme Court in the Seton Hall Law Review, and of Justice Walter V. Schaefer of the Illinois Supreme Court in the Northwestern U. Law Review . . .

The Hofstra Law Review dedicated a 163-page Symposium on the Press Clause to **Justice Stewart. Justice Powell** contributed an appreciation . . . **Justice White** spoke at the U. of Mississippi. . .

The U. of Maryland dedicated the **Thurgood Marshall** Law Library in the Justice's honor . . .

La Revue internationale de Droit Comparé has published Justice Blackmun's remarks in Paris at a Franco-American Colloquium on Human Rights. . . The Justice spoke at the dedication of a new building at Hamline U. Law School in his former home city of St. Paul . . . Along with Judge Kearse of the Second Circuit and Judge Keeton of the U.S. District Court of Massachusetts, he presided at the Harvard Law School Ames Competition's final arguments . . .

The Catholic Lawyer used an address by Justice Powell as a lead article, "Duty to Serve the Common Good" . . .

**Justice Rehnquist** spoke at the Vanderbilt U. Law School . . . The U. of Dayton Law Review ran an 11-page article by the Justice, "The Supreme Court of the United States: the Ohio Connection". The material was the text of the Justice's earlier address at the university. . . .

**Justice Stevens** attended joint meetings of the ABA and of the American Trial Lawyers' Association in Hawaii. He was made an honorary fellow of the latter . . . The Justice co-hosted a seminar on Justice and Society at the Aspen Institute for Humanistic Studies . . . He addressed the annual conference of the Illinois Judiciary.

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### BACK OF THE BOOK

(Continued from page 6)

Administrative Skills for the Professional Woman." . . **Kathy Guidi, R.N.,** attended one-day seminars both in November and in December, the first on "The Occupational Health Nurse: Interviewing, History Taking, and Physical Assessment of the Head and Neck", the second on "Nutrition and Wellness" . . . **Michael Gehringer,** of the Library, studied "Space Planning and Design for Libraries" in a two-day D.C. seminar . . . **Betsy Saxon** of the Personnel Office, took a 5-day training course on "Introduction to Position Management and Classification" . . . **Betty Clowers, Sara Sonet** and **Pat Evens,** all of the Library, shared in an eight-week one-night-a-week workshop in Rosslyn on "search techniques". They used on-line electronic data bases.

### DEPARTURE

**Elizabeth Holley** of the Secretarial Support Unit has resigned to go to the Postal Service.

### LIBRARY

Librarian **Roger Jacobs** ran in the Fifth Annual Marine Corps Marathon. Five thousand ninety-six runners came in ahead of the Librarian but, putting it another way, of those who managed to finish - in no way a mean feat - 870 pulled in behind Roger .

### OBITUARIES

**George R. (Dick) Houston,** one of those who served the Court when it occupied a wing in the Capitol Building, died in September at the age of 63. Dick served under four Chief Justices over a span of four decades retiring in 1972. He began as a page, working under Marshal **Frank Key Green.** After four years he joined the rest of the Court staff in trooping across Capitol Park to our present location. In 1941 he went to the Library. In 1967 he succeeded **Helen R. Lally** as Associate Law Librarian of the Court. In intervening years he took his law degree at night from National U. (now George Washington U.) His sole period away from the Court during his active years was in 1944-1946 when he served in the Navy, becoming a lieutenant (j.g.) in air force communications.

Condolences go to the Houston family and also to **John Dean,** law clerk for **Justice Blackmun.** John Dean's mother died November 24.

CHARLES EVANS HUGHES

## ELEVENTH CHIEF JUSTICE

(Continued from page 3)

vacationed on Nantucket Island. He had never learned to shave. It had been his custom each day to call upon his barber in the Astor Hotel in New York. Far from the barber the beard appeared. It seemed a good time-saving idea to skip the barber henceforth, so for the next 58 years the beard flourished.

An insight into problems of the Marshal's Office in 1910 is provided by an exchange of correspondence given by Mrs. Gossett. On August 16, 1910, the newly appointed Associate Justice (until then governor of New York), wrote to **Major John Montgomery**, the Marshal of the Court, that he would arrive in six weeks and wished the basement dining room at his new home at 2401 Massachusetts Avenue to be prepared for use as chambers. Justices in that era worked at their homes. **"M.C.T."** who must have been one of **Ed Douglas'** forebears wrote in haste to Marshal Wright that he would need much information if he were to meet his tight deadline: should mahogany, oak or some other wood be used for furniture? How many books would the new Justice bring to supplement Court-furnished library facilities, so that a calculation of shelf needs could be made?

In addition to souvenirs of Mr. Hughes' service as Secretary of State and his unsuccessful campaign against Woodrow Wilson for the Presidency, there are many Court-centered items. One fascinating exchange with the Architect of the Capitol, **David Lynn**, concerns the inscriptions on the front and back of this building. The Chief Justice agreed with the suggestion that "Equal Justice Under Law" be over the front entrance but disliked the proposal that "Equal Justice is the Foundation of Liberty" be incised at the rear portico. In a handwritten memo, on a small Court pad such as those still in use, the Chief Justice wrote: "I rather prefer Justice, the Guardian of Liberty, C.E.H." As those who pass on Second Street know, that is the inscription which has been part of the building ever since.

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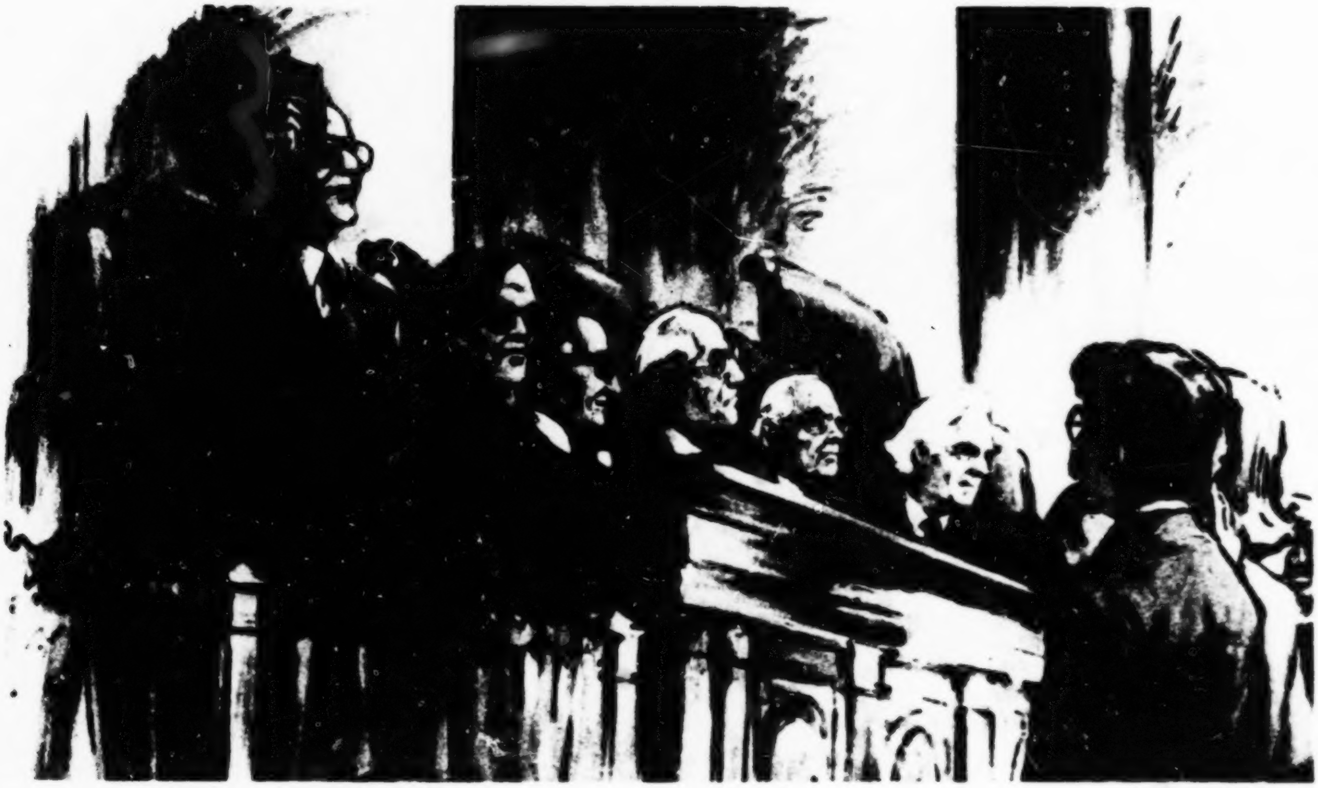
# The Docket Sheet

Center

SUPREME COURT OF THE UNITED STATES

**VOLUME 18, NUMBER 2** **MARCH-APRIL 1981**



*CLERKS OF THE COURT*

© BETTY WELLS

(See Pages 2, 3, 4)

## CHIEF JUSTICES I HAVE KNOWN

### By Felix Frankfurter*

The five Chief Justices of whom I'll speak are **Fuller, White, Taft, Hughes** and **Stone** ...

(Chief Justice Fuller) was a dapper little man .... He was ... extremely cultivated .... He read the classics. He was a student of history. He had felicity of speech. Fuller came to a Court which wondered what this little man would do. There were titans, giants on the bench .... Fuller met on the Court at least four or five men of great stature. The senior ... was **Samuel F. Miller**, who had been appointed by Lincoln .... Fuller, if they had had the expression in those days, might have been called an egghead. He was a blue-blooded intellectual. The contrast was great .... There was **Harlan**, .... six-feet-three, a tobacco-chewing Kentuckian .... And then there was **Matthews** of Ohio, and a six-feet-five or six-inch giant from Massachusetts, **Horace Gray**. Those were the big men ... over whom Melville Fuller came to preside .... He conquered them .... He had gentle firmness .... He had lubricating humor. **Justice Holmes** was fond of telling a story. In his early days, he said, "I'm afraid my temper was a little short". There could hardly be two men more different than Mr. Justice Holmes who wielded a rapier, and Mr. Justice Harlan, who wielded a battle-axe. A rapier and a battle-axe locked in combat are likely to beget difficulties for innocent bystanders. Justice Harlan ... said something (in Conference) that seemed not ultimate wisdom to Holmes. Justice Holmes said he then did something that isn't done in the conference room of the Supreme Court .... "I sharply remarked, 'That won't wash, that won't wash!' The silvery-haired, gentle, small Chief Justice said, 'Well, I'm scrubbing away, I'm scrubbing away!' "

Fuller died in 1910 .... Taft appointed ... Edward D. White of Louisiana .... He looked the way a Justice of the Supreme Court should look .... He was tall and powerful .... He had an impressive jowl .... He was a drummer boy in the Confederacy (but) it is a very interesting thing (he) was much more nationalistic, if that phrase carries the meaning I should like it to carry, was far more prone to find State action forbidden as an interference with federal power, than was Holmes, the Union soldier, who went to his death with three bullets in his body ....

White was Chief Justice only for ten years, and when he died an astonishing thing happened, ... not likely to recur, at least as far as one can look ahead: an ex-president of the United States became the Chief Justice of the United States ... William H. Taft .... He was a very rusty lawyer indeed when he came to preside over the Court. He himself said, and he was very happy to say, with that generosity of his which politicians would do well to ... imitate, that whatever he did as Chief Justice was made possible by his great reliance on him whom he called his "lord chancellor", **Mr. Justice Van Devanter** ....

Taft was followed, of course, by Hughes .... To see him preside was like witnessing Toscanini lead an orchestra .... The atmosphere that Hughes generated ... was taut. Everybody was better because of Toscanini Hughes, the leader of the orchestra. Chief Justice Stone is, of course, the antithesis, in the fate that was allotted to him, to **Marshall** and **Taney** and **Fuller** (who served long terms). If you're only Chief Justice for five years, as Stone was, ... the opportunities that place gives you are necessarily very limited .... Hughes was dynamic and efficient ... He was effective .... Stone was much more easy-going.

*Reprinted with permission. This was an informal talk Justice Frankfurter gave in May 1953 to law students at the University of Virginia. The talk was published first in November 1953 in the Virginia Law Review and again, in excerpted form, in the 1980 Annual of the Supreme Court Historical Society. For other articles on Chief Justices see the Docket Sheets of April 1978 (Chief Justice Stone), May 1977 (Chief Justice Taft) and April 1976 (Chief Justice Hughes).

## Library
## Supreme Court of the United States

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### By Sharron FitzGerald

Additions of interest:

CUSHING, John D. A revolutionary conservative: the public life of **William Cushing**, 1732-1810. University Microfilms, Ann Arbor, 1959.

McMILLAN, Richard C. Education, religion and the Supreme Court. Association of Baptist Professors of Religion, 1979.

WINTERS, John W. Opinion variation ... in the Supreme Court: A Study of the Opinions of **Justice Black** from 1957 to 1968. University Microfilms, Ann Arbor, 1974.

YOUNG, George L. The services of **James Wilson** in the Continental Congress, University Microfilms, Ann Arbor, 1954.

### COVER BOX

The painting on the front of this issue of the Docket Sheet, like those on many previous covers, is by Betty Wells who did this courtroom scene for NBC-TV. **Mike Rodak**, as Clerk of the Court, is shown at the left of the bench, raising the Holy Bible to swear in a member of the Bar. To Mike's left, in order, are **Justices Rehnquist, Blackmun, White** and **Brennan**, and **the Chief Justice**.

## CLERKS OF THE COURT*

**Alexander Stevas** is Clerk of the Court, the seventeenth in a 190-year succession begun by **John Tucker** on Wednesday, February 3, 1790.

The creation of the line of Clerks was the second act of United States Supreme Court history. The first, the day before, was the appointment of **Mr. Richard Wenman** as Crier.

MIKE RODAK

Mr. Stevas has succeeded **Michael Rodak Jr.** who came to the Court as Assistant Clerk November 1, 1956. On March 23, 1964, Mr. Rodak stepped up to the position of Deputy Clerk, and then later to that of Chief Deputy Clerk, the second person in Court history to occupy that office. Since 1972, Mr. Rodak had been Clerk of the Court. One guarantee that he will long be remembered is represented by the tens of thousands of certificates of membership in the Court Bar which he signed personally and which now adorn law offices from one end of the country to the other. Duplication systems were available as labor-saving devices but Mr. Rodak eschewed them, insisting that the value lawyers would set on the document merited the many hours which went into signing the certificates.

The **Chief Justice**, in announcing the change, said from the Bench that he, the Justices, the staff and the Court Bar wish "our able and trusted clerk" well in his retirement.

Working beside Mr. Stevas as Chief Deputy Clerk is **Francis John Lorson**, who has succeeded Mr. Stevas in that role, and thus is the fourth of history.

Al Stevas joined the Court staff during the past year. From 1951 to 1952 he was law clerk to Judge Alexander Holtzoff of the United States District Court for D.C. from 1952 to 1963 he was an Assistant U.S. Attorney in D.C. From 1963 to 1970 he was Chief Deputy Clerk of the United States Court of Appeals for the D.C. Circuit. From 1970 until coming to this Court he was Clerk of the D.C. Court of Appeals. There, in 1975, he earned President Ford's Management Improvement Award. Married to **Gladys Rauh Stevas**, they have a son, twenty-three. The Stevas birthplace was New Castle, Pennsylvania.

AL STEVAS

Mike Rodak was known as the youngest Air Force Sergeant Major in North Africa when the Allied forces assembled there for the liberation of Europe during World War II. He served in that position for four years, moving forward with the Air Force into central Europe. In off hours, at a mere 175 pounds, Mike played tackle for the Air Force football team, an activity which brought a prompt reward; **Patricia Freese**, a secretary in the same Air Force office, was a team cheerleader—in 1945 the Rodaks were married. Mike served one extra year as a civilian clerk with the Air Force in Austria and then returned to the United States, father of a growing family, to work days while taking his A.B. from Steubenville College and his LL.B. and his LL.M. from Georgetown. During Mike's tenure changes in the Clerk's Office—computerization of records, and installation of the Open Office Plan for greater efficiency—rivalled those of all the alterations 100 years previous.

Frank Lorson joined the Court staff in January 1972 as Assistant Clerk. He became a Deputy Clerk

(Continued on next page)

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**For more on Clerks of the Court, see the Docket Sheet of April 1, 1976.*

## Clerks of the Court

(Continued from page 3)

Former officers with whom Mike served (L. to R.): Marshal Frank Helper, (Mike), Reporter of Decisions Henry Putzel, Librarian Ed Hudon

in April 1974.

Frank is a Rochester (N.Y.) native. He took his A.B. from the Catholic U. of America in 1966 after editing the student newspaper and serving as class treasurer. In 1971 he was awarded his Juris Doctor degree from the same university following service as chancellor of his law school's Appellate Moot Court Program. During the 1966-1969 period Frank was active with VISTA, serving for a year as a volunteer in Kentucky helping poor farmers set up a marketing cooperative, and later acting as coordinator of VISTA's volunteers in Pennsylvania and North Carolina.

Frank is a member of four D.C. bars including that of the Supreme Court of the United States, three of them at the appellate level. He chaired the Younger Lawyers Division of the Federal Bar Association from 1978 to 1979 and was the FBA delegate to the ABA annual meeting in Dallas in 1979. Frank is a member of the ABA Federal Practice Committee.

**FRANK LORSON**

**Mike Rodak** with his staff. From l. to r., **Bill Gullickson, Vicky Moran, Louise Covington, Terry Haslip, Rob Kuhn, Bill McCormac, June Hoffman, Pat Dean, Calvin Todd, Mike, Joe Jacobs, Marge McFarland, Frank Lorson, David Dixon, Arbor Hawkins, Charles Godwin, Nino Meksvanh, Ed Faircloth and Jennie Lazowski. Missing were Coleman Williams, Ed Schade, Teresa Powell, Loretta Ruffin, Al Stevas, Ruby Weitzell, Jan Wood and Ted Ghee.**

## JUSTICE REED

Justice Reed was recalled as "the most together man I have ever known" at a commemorative meeting here of the Supreme Court Bar. The comment was from **Roderick M. Hills,** former chairman of the Securities and Exchange Commission, and a Reed clerk in 1955-1956.

Justice Reed served on the Court from 1938 to 1957. He died April 2 last year at 95. He was the longest-lived Justice in Court history.

Mr. Hills recalled:

"He was so methodical, so incredibly methodical. Every phrase, every citation, every word was twice-tested. Those little 3x5 cards that he collected over a lifetime could produce a citation worth more to him than hours of search in the West's Key System.

"Those cards were equaled in dignity only by those endless volumes of the Oxford English Dictionary that were given him by former law clerks. Those who worked for the Justice after he received them may never forgive our predecessors. How many hours we spent looking up the fifth acceptable meaning of a rare word to attempt to understand what was on his mind. Yet it was all part of his respect for the process - for the law - part of his determined search for the correct answer that he was certain would be there."

Mr. Hills added about the Justice:

"His respect for orderly and precise prose made him a ... friend and ally of Arthur Krock whose New York Times columns captured his interest as much as any of the Court's opinions .... One morning he was decidedly bothered by his inability to understand a word that made no sense to him. Even when the word was finally found by my co-clerk in the Oxford Dictionary as an archaic form of a different word, he would not leave the matter, for he remained uncertain about what Mr. Krock really meant. Hours later, he finally called the columnist and learned to his immense relief that there had been a typographical error".

**Judge David Schwartz** of the Court of Claims, a Reed law clerk in 1942-1943, spoke of the Justice's great patience and his work methods. He said:

"Once, I remember, I came (into the Justice's room), frustrated by my inability to understand a sentence in a railroad mortgage, the crucial document in the case I was working on. I had asked other clerks for help. All they could do was marvel at the sentence, some hundreds of words long.

"The Justice took the record and, without preparation, read the sentence aloud, dropping his voice at places I had not identified. As he read, what had been opaque, became clear. He understood instantly and, with the tones of his voice, communicated his understanding to me".

**Bennett Boskey,** a Reed clerk in 1940-1941, chaired a committee drafting a resolution which was adopted by the Court Bar and accepted by the Justices. Among those on the committee were Clark M. Clifford, United States Senator John Sherman Cooper, **Thomas G. Corcoran, Paul A. Freund** and Judge J. Skelly Wright. The resolution took note that Justice Reed and his contemporary, **Robert H. Jackson,** were, among the Court members, "the last, thus far at least, not to have a law degree". It added that the Bar had "admiration for the qualities of wise judgment, of diligent and perceptive craftsmanship, and of personal generosity and gentlemanliness" of the departed Justice.

## HAPPY BIRTHDAY

In April to **Justice Stevens** on the 20th and **Justice Brennan** on the 25th, and also

**In March to:**
**1 Bernard Glasper**
**3 Paul Cane**
**5 Cheryl Gannon**
**Louis Moore**
**7 Ed Mitchell**
**8 Mary Elmore**
**9 Frank Daniels**
**Paul Smith**
**12 Dean Colson**
**William McDonald**
**16 Darryll E. Wright**
**17 Phillip Wood**
**Ronald May**
**18 Barbara Brown**
**Pauline Hicks**
**25 Alfred Wong**
**27 Joe Caldwell**
**Harry Fenwick**
**Jeffrey Tone**
**28 Joshua Brooks**
**29 James Nash**
**Ellen Carey**
**31 Nino Meksvanh**

**And in April to:**
**1 Eileen G. Fregosi**
**2 Joe Jacobs**
**3 Grant Obright**
**Barbara Seagle**
**7 Wannett Smith**
**John McCullough**
**8 Mary Barbour**
**Gladys Garrett**
**Mickey Boteler**
**Robert Weisberg**
**11 Patricia Dean**
**13 Melba Bigelow**
**Charles Cornelison**
**14 Verdery Gilchrist**
**Dorothy Speight**
**15 Irene Miller**
**20 Arbor Hawkins**
**30 Frank Howarth**
**James Surles**
**John Douglas**

# BACK OF THE BOOK FROM AROUND THE BUILDING

## VIRGINIA TWITTY LEAVES THE LAUNDRY ROOM

Virginia Twitty has retired after thirty-five years at the Court*. During her time here, most of it in charge of the basement laundry room, Mrs. Twitty presided over many thousands of laundry-machine loads of police uniforms, tablecloths and even cleaning rags, doing her significant part to keep the Court area spic and span. As Mrs. Twitty has remarked, it was a thrill for her as she entered the building each 6 a.m. to know that she would have a part in making the Court the notably neat place it is.

Mrs. Twitty started on the char force at the outbreak of World War II. After some three years there, she transferred to the laundry as assistant to **Mrs. Lillian Payne** (laundress of the Court for twenty years, starting just after the building opened in 1935.) In 1956 Mrs. Twitty succeeded Mrs. Payne in the main laundry responsibilities.

In retirement Mrs. Twitty plans charitable work and looks forward to continuing her singing as an alto in her church choir.

*For more on Mrs. Twitty and the laundry staff see the Docket Sheet of December 1977.

DO NOT OPEN
DOOR UNTIL
MACHINE HAS STOPPED

VIRGINIA TWITTY

## MORE COMINGS AND GOINGS

**Norman Manasa,** formerly employed in the Chambers of the **Chief Justice,** is back on the staff. He will work weekends operating the Word Processing and Publications System under the supervision of **Roland Goldstraw.** Also on the Goldstraw staff now is **Wilhelmina (Wilma) Kimmerly** whose background is in printing and electronic typesetting. Wilma will serve as a phototypesetter and as operator of the system during the evening shift ... **Patricia A. (Pat) Bazil** has come from the Library of Congress to serve as a secretary to the Chief Justice ... **Dean Ann Grzanka** is back from maternity leave, the jubilant mother of **Elizabeth Anne. (9 pounds 3 ounces).** Dean Ann is now Assistant Managing Secretary of the Secretarial Support Unit .... **Sandra K. Seales,** formerly with the American Arbitration Association, is Secretary/Receptionist for **Mark Cannon** .... **Iris Lee** has retired after twenty-seven years with the labor Force ... **Annie Grace Johnson** has left the housekeeping staff ... **Susanne Owens** made a quick round trip to Montana to see relatives.

## SUGGESTION

Make a point of seeing the walking stick on display in the **Charles Evans Hughes** exhibit at the West entrance of the ground floor. It was a gift from the Republican Club of Kalamazoo and legend has it that it came from a rail split by **Abraham Lincoln.**

## STAFF CHANGES

**David B. Dixon,** in the Clerk's Office, has had a title change: from Clerk/Messenger to Assistant Clerk .... **Judith Ronningen** and **Daniel Long,** in the Office of the Reporter of Decisions, have moved up from Staff Assistant rank to Technical Assistant.

## TRAINING

**Betsy Saxon** on **Jim Robbins'** staff is the Court's Training Officer. Betsy took a week-long course in personnel administration at the Institute for Court Management in Denver during December. During the same month **Lieutenant Kevin Ferguson** passed a week at the Federal Law Enforcement Training Center in Glynco, Georgia, while **Benny Lu** put in two weeks on computer courses at the Digital Equipment Corporation in Lanham ... **Carolyn Dupree** and **Sandra Seales** sharpened typing skills at the Department of Agriculture course ... **Kathy Hance** and **Connie Murphy** are taking accounting at the Prince George's Community College.

## LIBRARY

Librarian **Roger F. Jacobs** went to the annual meeting of the American Association of Law Schools in San Antonio. Roger conducted a seminar on legal bibliography at the annual Federal Interagency Field Librarians Workshop in Arlington ... **Kathleen Hanley** and **Sharon FitzGerald,** at a 2-day conference, studied the implications for federal libraries of changes in Anglo-American cataloguing

(Continued next page)

## THE JUSTICES

**The Chief Justice**, for the fourth time, swore in a President of the United States, Ronald Reagan, the nation's fortieth Chief Executive. Earlier the Chief Justice had administered the oath of office to President Nixon for his second term, Jerry Ford and Jimmy Carter .... **Justice Stewart** swore in as Vice-President his fellow Yale alumnus, George Bush.

**Justice Blackmun** was at Yale from January 29 to 31 as a Chubb Fellow at Timothy Dwight College .... The Justice will preside at Moot Court Finals at Emory U. Law School in Atlanta in early April, and will be present for a building dedication at the Georgia U. school of law in Athens, Ga., in early May.

An award of the National Conference of Christians and Jews was conferred upon **Justice Powell** at a Richmond, Virginia, meeting.

Former Justice **Arthur Goldberg** contributed to the George Washington Law Review an article "in defense of the bureaucracy in corporate regulation".

Tributes to **Justice Douglas** were published in the UCLA, Gonzaga and American U. law reviews.

The top honor conferred by the D.C. chapter of the Federal Bar Association is its **Justice Tom C. Clark** award.

Professor Harry Hirsch of the Department of Government at Harvard is doing a book on "**Felix Frankfurter** and the Ambiguities of Self-Image".

**Justice Rufus Peckham** (1896-1909) is the subject of an article on "Police Power and the Individual in a Changing World" (Brigham Young U. Law Review).

Souvenirs of the Justices continue to fascinate antiquarians. Altman's offered an autographed photo of **Earl Warren** for $100, a 1928 letter of **Oliver Wendell Holmes** for $275 (the letter commenting that "my stock of my father's* autographs available has been exhausted long since"), and a framed and autographed Harris & Ewing photo of **Justice Cardozo** for $250.

*Oliver Wendell Holmes (1809-1894), "the Autocrat of the Breakfast Table".

(More "Back of The Book" from page 6) rules.

## LIFE INSURANCE

By Kathy Hance

For the first time since 1968 we will have an open season for life insurance. Do check into what it may mean for you. March is an open enrollment period. Four types of insurance are available including two which never before were provided. All employees have the option of larger insurance amounts at attractive group rates. In October younger staffers will be eligible for higher amounts of basic insurance.

## OBITUARY

**Howard E. Black** has died at the age of 84. Mr. Black joined the Court staff in 1925 as an Assistant Clerk. He was with the Court for its final ten years at the Senate, and he continued to work in the Clerk's Office for the initial sixteen years in this building. A native of Rome, Georgia, Mr. Black served in the Army in Mexico prior to World War I, and then in France with the Rainbow Division during the first global conflict. He was a field hospital sergeant. Mr. Black started as a messenger in the Department of Agriculture in 1913, took a law degree from George Washington University, and worked for a while as a clerk at Treasury, the Department of Commerce and the ICC.

### DID YOU KNOW

that at least one Justice sampled almost all the varieties of public service on both sides of the Civil War lines? **Lucius Quintus C. Lamar** (whose descendent, **Beauregard, Lamar** worked here in living memory,) was a Justice of this Court for five years, a United States Senator for eight, a Congressman for four, Secretary of the Interior, a lieutenant colonel in the Confederate Army, Confederate Commissioner to Russia, author of the Mississippi Articles of Secession and a Georgia legislator. (Thanks to **Ed Schade** for the research.)

## THE COURT IN HISTORY

**190 years ago, March 1791.** A Justice for the first time leaves the Court: **John Rutledge** of South Carolina, the first Associate Justice chosen by **George Washington.**

**185 years ago, March, 1796. John Marshall** loses the only case he ever tried before the Supreme Court, an unsuccessful defense of Virginia in conflict with federal law: Ware v. Hylton.

**March 4, 1796.** George Washington sets a never broken record by naming his third Chief Justice: **Oliver Ellsworth.**

**140 years ago, March 8, 1841.** Birth of the "great dissenter", **Oliver Wendell Holmes.**

**135 years ago, 1846. Dred Scott** sets history's wheels in motion by bringing suit for his freedom.

**125 years ago, March 6, 1856.** The fateful Dred Scott decision.

**120 years ago, March 4, 1861.** Abraham Lincoln sworn in by **Chief Justice Taney.**

**April 4, 1861. John McLean** dies after the seventh longest service in Court history, 31 years.

**90 years ago, March 19, 1891.** Birth of **Earl Warren.**

## YESTERYEAR IN THE DOCKET SHEET

December, 1965: "As the Docket Sheet enters its seventh year . . ., those in charge of its editing wish to thank all contributors . . . All are invited to widen this participation, either through the preparation of written items, the reporting of news, or the advancement of ideas for the better communication of new things or thoughts among employees. Meetings, conferences, annual reports, inventories and the like, even though not seeming to have a specific connection to general affairs here, make the kind of copy that is of interest . . ."

**NEXT ISSUE:**
**CHIEF JUSTICE HUGHES**

## A MUCH SOUGHT PICTURE

The United States News and World Report received many calls from staffers when the above picture, in color, appeared December 1 on page 24, going out to the magazine's 2,100,000 subscribers. The leadership of the Senate, the Third Branch and the Executive Branch (and presumable a Secret Service agent as well) were in good focus in front of the Court Building but, except for some camera blurring, those with sharp eyes have been able to make out, from 1. to r. on the top steps: Chief Deputy Marshal **Charles Cornelison, Coleman Williams, Victor Dalquist**, unidentified man, **David Sims, Wanda Syverson**, unidentified figure, **Sam Seabrook, Nino Meksvanh**, unidentified person, **Frances McElhill, Pat Dean**, unidentified figure, **Trudy Fry**, another unidentifed person, **Henry Lind**, another unidentified figure, **Benny Lu, Frank Howarth, George Brown, Roland Goldstraw** and **Mary Beth Clark**.

## TO THE EDITOR

"To settle an argument, is the Dallas Cowboy quarterback, Danny White, the son of the Justice?", Marvin Stone, Washington, D.C.

(Others have heard a rumor to that effect. The answer is no.)

"It is always with pleasure - and a sigh of sadness - that I read ... the Docket Sheet: pleasure because I look forward to hearing about the Court, sadness because I miss friends and my memorable years there. My fond regards to all", **Sandra Phillips-Flax**, assistant treasurer, Bankers Trust New York Corporation, secretary to **Justice Douglas**, 1970-1975.

"I would be most grateful if you would ... add my name to the roster of former law clerks to receive the Docket Sheet. Since its origin postdates my time at the Court, I was unaware it existed", **Robert M. O'Neill**, President, the University of Wisconsin, law clerk to Justice Brennan in 1962.

(The Docket Sheet was born twenty years ago last December, in mimeographed form. It was suspended from 1969 until seven years ago when it reemerged in substantially its present format.)

"A friend of ours, George Aster, was at the Court ... with a group ... from Stanford. He was impressed with the hospitality at the Court from **Wendell Pugh** (Police) and **Russell Boston's** courtroom information briefing ... We love it here in San Diego", **Nancy Birckhead**, secretary to the Marshal, 1972-1975.

"I look forward to receiving each issue of (the Docket Sheet.) From this distance it enables me to keep abreast of changes at the Court and to keep up with old friends and acquaintances. I moved to Reno, Nevada, following the devastating floods suffered by Phoenix, Arizona in February 1980. (The high water) ruined my apartment and caused considerable damage to contents .... I have bought a home (in) Fernley, Nevada", **Genevieve E. Howell**, Technical Assistant to Reporter of Decisions 1959-1975.

"I would be delighted to be added to your mailing list. While my feelings for the Court as an institution remain strong anyway, I am sure that this tangible link will further strengthen the bonds", **Bob Wild**, Rochester, N.Y., law clerk for **Justice Rehnquist**, 1972.

### QUOTATION

**Mr. Justice Holmes**, dissenting in Truax v. Corrigan, December 19, 1921: "The dangers of a delusive exactness in the application of the Fourteenth Amendment have been adverted to before now .... Delusive exactness is a source of fallacy throughout the law. By calling a business "property" you make it seem like land ... An established business no doubt may have pecuniary value .... But you cannot give it definiteness of contour by calling it a thing. It is a course of conduct...."

The Docket Sheet is a bi-monthly published by the Public Information Officer, **Barrett McGurn**. Assistant editors are **Mary Beth Clark** and **Laura Carlan**. Typesetting and printing is by DiCesare & Associates.

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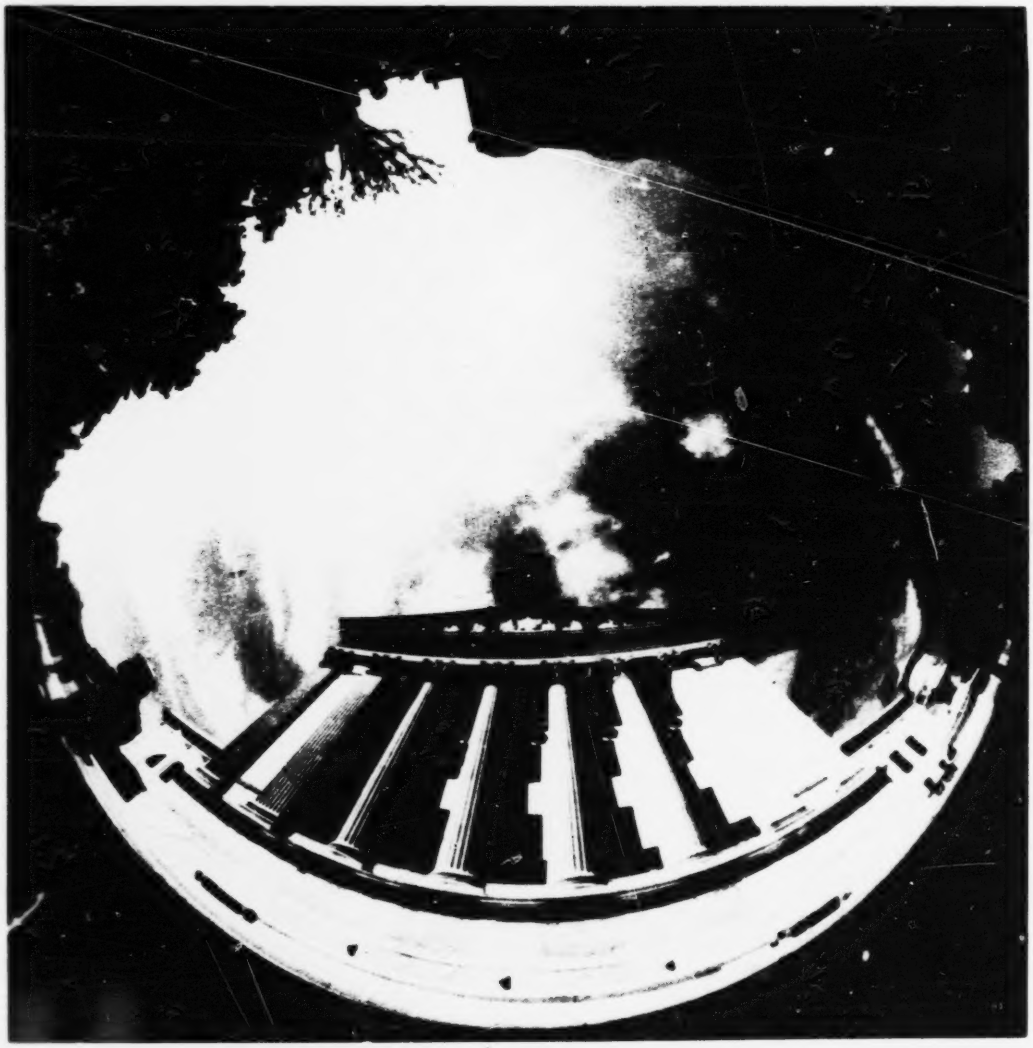
# The Docket Sheet

Center

SUPREME COURT OF THE UNITED STATES

**VOLUME 18, NUMBER 3** **MAY-JUNE 1981**



***VIEW ON SECOND STREET***

***Photo-Neubauer***

***(See Page 2)***

## COVER BOX

The cover photo, "View on Second Street", is the work of John Neubauer who was assigned by the American Bar Association publications to do "something new" around and about the Court.

John's shot is a 360-degree view of Second Street behind the Court Building. Turning the picture upside down you can make out the buildings across Second Street which face the rear of our structure: the brown brick four-story Foreland Apartments at 23 Second Street, S.E. on the corner of A Street, and the two-story gray frame building next door at 19.

Although "Equal Justice Under Law" on the front of the building has won fame in legal circles, few visitors to the Court ever see the back of the building with its own inscription above the columns: "Justice The Guardian of Liberty".

The East pediment, like the one on the front of the building, is peopled with sculptures, visible as tiny figures in the Neubauer picture. In the center are "lawmakers": Moses with the tablets of the Ten Commandments, flanked by the whiskery Confucius on one side and Solon of ancient Greece on the other. Further along on either side are nudes, male and female, adults and children, representing law enforcement, mercy tempering justice, civilization, dispute-settlement among the states, the Supreme Court's role in protecting the country in maritime and other conflicts, and the "pondering of judgments". At the far ends of the frieze, well worth examination, are the tortoise and the hare of the ancient fable.

The frieze was the work of Hermon Atkins MacNeil, a native of Chelsea, Massachusetts, whose work is on prominent display in a dozen states. Mr. MacNeil died in 1947 at the age of 81.

## HISTORICAL SOCIETY

The Historical Society continues active in assembling and preserving memorabilia of the Court. Among acquisitions of the recent past are portraits of two persons closely associated with Court history: *William Marbury* of the famous Marbury v. Madison decision, and *William O. Douglas.*

The Marbury decision of 1803 will be remembered as *John Marshall's* affirmance of the Supreme Court's role as interpreter of the Constitution. *Mr. and Mrs. Richard C. Marshall III* donated an oil painting in excellent condition, thirty-four inches by twenty-nine, showing the seated Marbury. The work is unsigned but has been attributed to Rembrandt Peale, painter of the Court's "porthole" study of John Marshall.*The date of the painting is believed to be 1820-1830.

Mr. and Mrs. Marshall by a remarkable fact, trace to both of the principals in the 1803 decision. *Florence Beale Marshall* is a great, great, great granddaughter of Marbury, and Mr. Marshall, who died this Spring, was a great, great great grandson of the Chief Justice.

The other gift is a pencil drawing of Justice Douglas by Ferdinand R. Petrie, a New Jersey artist whose other works are in the White House, the Smithsonian, the Kennedy Library in Boston and the Indianapolis Museum of Art. Measuring just under nineteen inches by thirteen, the work is drawn from a photograph of the late Justice carried in the April 1980 Docket Sheet. The commissioners and donors of the sketch were Mr. and Mrs. Milton Turner of Kenwood, Maryland.

*In the East Conference Room.

## THE DOCKET SHEET AND 2 BOOKS

The Docket Sheet, according to Librarian *Roger Jacobs,* was the catalyst in obtaining two rare volumes for the Court collection.

William T. Bodoh of Manchester, Bennett, Powers & Ullman in Youngstown, Ohio, phoned Roger to say that he had been leafing through the Court house organ when it occurred to him that our Library might like to have two books in his possession. Both were entitled "An Essay on the Law of Contracts for the Payment of Specific Articles". Both were by Daniel Chipman who published volume one in 1822 and its sequel, under the same name, in 1852. The first bore the signature of *John Marshall.* The second was signed by *Justice John Clarke* who was a member of the Youngstown law firm from 1886 to 1897. Justice Clarke was a Woodrow Wilson appointee to the Court. He came to this bench in 1916, resigned in 1922 at 65, and died in 1945 at 87.

Roger, in accepting the books, told officers of Justice Clarke's old firm that it was "an uncommon delight" to acquire a book from Chief Justice Marshall's collection, and that the volume owned by Justice Clarke was a useful addition to the Court's collection of American treatises.

The Docket Sheet is published bi-monthly by the Public Information Officer, *Barrett McGurn.* Assistant editors are *Mary Beth Clark* and *Laura Carlan.* Typesetting and printing is by DiCesare & Associates.

# MY FATHER-IN-LAW, THE CHIEF JUSTICE*

*By William T. Gossett***

For the last twenty years of the long ... life of *Charles Evans Hughes*, I was privileged to be ...associated with him — first as law clerk and later as son-in-law.

A reader at three-and-a-half years old and familiar with the New Testament and the Psalms at five, he was able at six to persuade his parents to exchange formal schooling for ... home study .... This and a few years of more formal education at Public School No. 35 in New York City prepared him for college at the age of fourteen.... He was graduated (from Brown) third in (his) class at barely nineteen, the youngest (in) the class.... He entered Columbia Law School in 1882, was graduated at the top of his class in 1884, and was admitted to the bar that year after scoring ninety-nine and a half on his bar examination....

"(At the Court) he did not exert authority, he radiated it", *Justice Jackson* wrote.... And in the conference room..., (said) *Frankfurter*, "there was less wasteful talk... less that was repetitious.... You just didn't talk unless you were dead sure of your ground, because that gimlet mind of his was there ahead of you ...."

Although in the preparation of briefs and opinions he was supported by partners and members of the office staff, the final documents, especially the opinions, were invariably by him. It was his custom to use two or three stenographers; one would be typing her notes while another was taking dictation.... Normally the draft of an opinion would be revised but once....In the preparation of speeches, the same practice would be followed. Using a research assistant's memorandum, Hughes would prepare in longhand a sketchy outline of the speech, usually not more than forty-eight hours before it was to be delivered. From that outline he would dictate rapidly a draft of the speech... Later he would read the text aloud two or three times. Thus prepared he would deliver the speech from memory without ... notes....

When he was chief justice (a position he assumed at almost sixty-eight years of age) he arose at 6:45 a.m., had breakfast at 7:30, followed by a brisk walk, and was at his desk at 8:30. When the Court was in session, it was his custom to work until 10:00 p.m. He then would visit with Mrs. Hughes and other members of the family ... He customarily read many books each year biographies, novels, and scholarly works.... He loved jokes and puns and had a fine sense of the ridiculous. Although no man took his responsibilities more seriously, he did not take himself seriously and his humor was as much directed at himself as to others....

Justice Frankfurter saw the full dimensions of Hughes when the latter was chief justice, conceding that the public image of the man was inclined to be that of an Olympic presence incapable of the light moment.... About that image, Frankfurter wrote: although in public office "he may have acted on the realization that aloofness (was) indispensable to the effective discharge of (his) functions, what a caricature! He was genial though not promiscuous, full of fun and whimsey, a delightful tease and sparkling storyteller, a responsive listener and stimulating talker, drawing without show or pedantry on the culture of a man of wide interests and catholic reading.... He was self critical rather than self-righteous, extremely tolerant towards views he did not share and even deemed mischievous...."

*Excerpted, with permission from "The Human Side of Chief Justice Hughes." the American Bar Association Journal, December 1973. Mr. Gossett is a past president of the American Bar Association.

**For more on Chief Justice Hughes see the current exhibit in the ground floor West entranceway (described in the January 1981 Docket Sheet). For articles on "My Father, the Chief Justice", see the Docket Sheets of April 1978 (*Harlan Fiske Stone*), May 1977 (*William H. Taft*), and April 1976 (Charles Evans Hughes).

## DID YOU KNOW

That the courtroom in the Capitol's Senate wing, which was used from the time of the Civil War until 1935 (when this building was occupied), has been employed officially again in much more recent days? The Justices attended Ronald Reagan's inauguration officially as a body. To summon themselves into session for the occasion the Justices met briefly in the old courtroom. From there it was a short stroll to the West front where the Presidential oath of office was administered.

## Library
## Supreme Court of the United States

By *Sharron FitzGerald*

Additions of interest:

HIGHSAW, Robert Baker. *Edward Douglass White, defender of the conservative faith.* Louisiana State U. Press, 1981.

ABRAHAM, Henry Julian. The Judiciary: the Supreme Court in the governmental process. Allyn and Bacon, 1980.

## QUOTATION

*Justice Jackson* in dissent in the Mercoid Corporation v. the Mid-Continent Investment Company, January 3, 1944; " 'A patent', said *Mr. Justice Holmes*, 'is property carried to the highest degree of abstraction—a right *in rem* to exclude, without a physical object or content.' Here the patent covers a combination — a system — a sequence — which is said to be new, although every element and factor is old and unpatentable. Thus we have an abstract right in an abstruse relationship between things in which individually there is no right — a legal concept which either is very profound or almost unintelligible, I cannot be quite sure which".

## TO THE EDITOR

"Thank you for sending . . . the article regarding my father (commemorative exercise for *Justice Reed*, Docket Sheet, March, 1981). It was a very moving memorial service", *Stanley F. Reed, Jr.*, New York.

"(The Docket Sheet) is very much appreciated. (Its issues) afford enjoyable information and interesting reading matter. I hope you will continue the publication for many years", *Leo Jackson.*

Leo Jackson, in the file room
and in retirement

(Leo Jackson retired as a Court file clerk in 1978 after 42 years of service here. As a college student he used to attend Court sessions in the Senate wing of the Capitol. He was on the original Court staff here in the Court Building in 1935 and was the last of the original team to retire.)

"I noted with interest that the January 1981 Docket Sheet had on its cover a photograph ... of ... members of the Court with President-Designate Reagan .... We would like to have the photo for our collection", Custis Wright, curator, the U. of Texas law library, Austin, Texas.

(The photo was taken by Kim Nielsen of the Smithsonian Institution photo laboratory, acting as a pooler.)

"In the interest of ... egos of some of the unidentified, I would like to submit the identifications of unidentified persons in the Much-Sought-Picture reprinted in the March 1981 issue: *Ron Jones, Tom Oliver, Susan Herndon* and *Verdery Gilchrist* of the Reporter of Decisions Office", Another Unidentified Person.

(The Docket Sheet is happy to provide what earlier research failed to uncover.)

"March of this year was a notable double anniversary, the 140th anniversary of the birth of *Oliver Wendell Holmes* (on the 8th) and the 100th anniversary of his book 'The Common Law'* (March 3). See volume II of 'Justice Oliver Wendell Holmes: The Proving Years, 1870-1882 (M. D. Howe, ed.)' Holmes is quoted telling Mrs. Charles S. Hamlen: 'I have by my side a champagne cork drawn ... when my work "The Common Law" came out, and marked "first copy of book, March 3, 1881". I remember that I hurried to get it out before March 8 because then I should be 40 and it was said that if a man was to do anything he must do it before 40,' " Professor Paul R. Baier, Louisiana State University, former Judicial Fellow.

*Holmes' "The Common Law" has been on the recommended list of every law school dean for the past century, according to *Professor Bill Swindler* of the Court Historical Society.

## HAPPY BIRTHDAY

In June, on the 8th, to *Justice White*, and

**In May to:**

1 Deborah Pitts
2 Lloyd Roberts
Kevin Tolbert
3 Marion Davis
Alfonso Bautista
Carolyn Miller
4 Steve Wimberly
6 Sally Smith
7 Ed Ruf
8 John Ale
11 John Siliciano
15 Annie Hagans
17 Donald Murray
Harvell Stewart
18 Michael McConnell
Marguerite Hill
19 Theodore Dickens
Bill Matthews
22 William Shanklin
23 Virginia Twitty
24 Hillie Luckett
27 Laura Colbert
29 Frank Thomas
31 Susan Lahne

**And in June to:**

1 Jerome Dankos
Dorothy Latimer
2 Mary Beth Clark
4 Cassandra Lewis
6 James Griffin
Judy Ronningen
7 Ed Szuchyt
8 Nathaniel Weldon
9 Ron Thongtavee
12 Stephen Bennett
14 Willie Williams
17 Brenda Crews
19 Shouney Lee
21 Dick Godwin
Pat Knight
22 Pat Covington
Steve Ulrich
23 Kathleen Guidi
Kathleen Hanley
24 Ray Bonner
26 Wayne Bliss
Judy McCullough
Kathleen Tycz
Ceil Sheahan
28 Annie Parker
29 Harry Datcher

## THE JUSTICES

The *Chief Justice's* annual State of the Judiciary address to the American Bar Association — this time on the problem of crime control in America — evoked widespread comment throughout this country and abroad . . . . President-elect Reagan used the Chief Justice's name in explaining to George Burns why he could not take part in the latter's 85th birthday celebration in Hollywood. "A prior engagement with Chief Justice Burger", he telegraphed, "prevents us being with you". The prior engagement was on the West platform of the Capitol — the Presidential Inauguration.

*Justice Brennan* and former *Justice Goldberg* paid tributes to Judge J. Skelly Wright in the Hastings Constitutional Law Quarterly on the occasion of the judge's thirtieth anniversary on the federal bench.

*Justice Stewart* contributed to a symposium on relative appellate judicial practices published in the Canada-United States Law Journal.

The Pepperdine Law Review ran an article on *Justice White,* "A Barometer of Freedom of the Press".

*Justice Blackmun* will address the annual dinner of the General Counsel of the Navy on May 7, and will speak at the centennial celebration of the Methodist Hospital in Brooklyn, New York, on May 15.

*Justice Rehnquist* gave the McCormick lecture in Tucson.

*Justice Stevens* judged a moot court at the University of Southern California. He spoke also to the Dade County (Miami) Bar. He will speak at the 7th Circuit judicial conference in early May.

Four tons of memorabilia of *Justice Douglas* have been assembled at the Yakima Valley (Washington) museum as the core of a Douglas exhibit to be developed over the next several years. At the heart of the presentation is the chair Justice Douglas used at the bench of this Court for close to four decades. It had been in government service since the time of the Civil War and was already approaching antique status at the time the newly-appointed Justice acquired it. Another item is the stand-up desk at which Justice Douglas wrote opinions. In assigning the desk to the Yakima museum, Justice Douglas remarked about it: "my idea behind that was that if I had to stand, my opinions would be shorter". Absent from the collection are the saddle, saddle blanket and bridle the Justice used on many mountain excursions. They were willed to the Will Rogers Memorial Museum in Claremore, Oklahoma. Research materials of interest to scholars including several hundred books written by the Justice, dedicated to him or annotated by him are in the collection, but the main center for Douglas studies will continue to be the Library of Congress across East Capitol Street from the Court: an estimated 475,000 Douglas items, including legal papers, are there.

Collectors' interest in Justices of the two past centuries persists unabated. B. Altman in New York offered a variety of items: a letter of *Chief Justice Stone* on chambers' stationery saying that "a surplus of work and a shortage of gasoline keep me closely confined to my library and the court", May 25, 1944; an *Earl Warren* signature and photo; a 27-line letter from *John Jay* to his ill wife saying "to be tied here on such an occasion is painful"; a March 15, 1932, *Louis Brandeis* letter to a rabbi remarking that "I hope you are making good progress in your effort to win your congregation to Zionist activity"; and a March 3, 1950, *Tom Clark* note on a Court correspondence card. Altman's price tags for the items were, respectively, $150, $85, $875, $275 and $25.

## YESTERYEAR IN THE DOCKET SHEET

January, 1966: "*Raymond E. Harding,* Assistant Marshal, has reached a 40-year career with the Court.... (He) commenced ... as a 15-year-old page boy on October 1, 1925.... (He says) "I became the Court's first truck driver. An old Model T. Ford, assigned to *Chief Justice Taft,* wasn't turned in when he obtained a new car. It was made available to the Marshal's Office. I became the driver and used it to make deliveries to the Justices.... In those days we never saw the Judges except when Court was in session (in the courtroom in the Capitol, prior to 1935). Most (of the Justices) worked at home. All the material dealing with cases, including books and records, was delivered to (the Justices') houses. (Prior to the Marshal's acquisition of the Ford, deliveries were made) usually by the pages, using street-cars".

### SUGGESTION

With the active Term approaching an end, this is to urge everyone to check shelves to be sure that material checked out from the Library is returned in good time. This concerns in a special way documentation we have borrowed from the Library of Congress and other collections of the District of Columbia and of the rest of the country. This will help our relationships with these lenders and will assure a complete collection here at the start of the new Term. (*Bob Higbie,* Assistant Librarian, Circulation Department.)

# BACK OF THE BOOK
# FROM AROUND THE BUILDING

## WILLIAM WALKER

The Court family suffered a tragedy in the first moments of February when two robbers killed *William J. Walker,* a temporary messenger, a few blocks behind the Court on Capitol Hill.

Mr. Walker, twenty-six years old, joined the Court staff in October as a temporary messenger and had been assigned to the Library. A graduate of Indiana University (A.B. 1976, and M.A. 1980), Mr. Walker had used his free moments away from the Court setting up a residence at 115 5th Street, N.E. Things were well enough in order so that he had called his wife, *Frederique Dursus de Courcy Walker,* a French native, to join him from their former home in Bloomington, Indiana. The two were accosted a few steps from home at 12:05 a.m., February 1, after supping at a Capitol Hill restaurant, and only eight hours after Mrs. Walker had reached Washington. One of three shots pierced Mr. Walker's main heart artery, causing death.

**WILLIAM WALKER**

The modern history of the North Atlantic community was Mr. Walker's main study interest. He made several trips to Europe during the past half decade studying the interdependent relationships of Common Market countries and the United States. Public affairs work was his life ambition, he told the Court Personnel Office when he joined the staff. The funeral was in Warsaw, Indiana, where Mr. Walker's parents reside. Staff members have contributed in his memory to a book fund for Indiana University graduate students in history: the William J. Walker Historical Research Fund.

The same month saw another fatal shooting, *Richard Schickele,* the Legal Officer, suffered the loss of a younger sister in Oakland, California, February 19.

One other who has died after a long association with the Court is *Mario E. Campioli,* retired Assistant Architect of the Capitol, 60 years old, victim of a lung ailment. Formerly director of architecture at Colonial Williamsburg, Mr. Campioli was Assistant Architect of the Capitol from 1959 until his retirement a year ago. Among his award-winning accomplishments was the restoration of the Old Supreme Court Chambers in the Capitol Senate wing. Mr. Campioli helped design the National Gallery of Art. In that regard he had remarked that the Supreme Court and the National Gallery — in terms of materials used: marble, bronze, white oak and so on — were the two finest federal government buildings constructed in this country in this century.

## CLERK'S OFFICE

By *Al Stevas*

Alumnus *Mike Rodak* addressed the National Public Defenders Association in San Diego. He received a plaque and three books on his hobby of wood-working. In the latter regard, be sure to drop by my office to see the grandfather clock Mike built and, temporarily, has lent to our premises. Condolences go to Mike on his brother-in-law's death....*Sandra Dorsey* is back from maternity leave, mother of Bryan James Dorsey who weighed in at 7 pounds, 9½ ounces. Formerly of the *Chief Justice's* chambers, Sandra is now an Assistant Clerk....Assistant Clerk *Ruby Weitzell* has resigned to stay at home with her children.

## THE MARSHAL

By *Al Wong*

*Eva T. Douglas* has joined the housekeeping staff and *Janie Mundey* and *Janice K. Scurry* have departed from it.... Messenger *William E. Shanklin* took a typewriting course at the Department of Agriculture from January into March .... *Sam Seabrook* is back after surgery.... *David Sims* is a photographer now on the Republican side in the House of Representatives.

## REPORTER OF DECISIONS

By *Henry Lind*

Our alumni keep busy. Former Reporter of Decisions *Henry Putzel* traveled in Europe and has bought a house in New Hampshire.... *Paul Richards* has a home now in Florida.... *Ralph Taylor* enjoyed a Bermuda cruise.

## LIBRARY

By *Roger Jacobs*

*Sharron FitzGerald* has made some significant savings for the Court, combing out volumes we do not need, and exchanging them for credits against new books we require.... Many on our staff are busy with studies in hours away from here. *Eileen Fregosi* is taking a five-month course at Catholic U. called "Introduction to Technical Services". *Kathleen Hanley* took two classes at the Georgetown U. law center and is taking a course at Maryland U. "Literature in the Social Sciences: Seminar on Library Networks". *Ellen Carey* is working on Calculus and Personnel Management at George Washington U., looking toward her B.A. *Kathy Tycz* is studying Statistics and Personnel Management at Catholic U. She took a class at the Georgetown U. law center in "Federal Legislative History Research". *Emily Porter* took an Assertiveness Training Course in February and March at Catholic U. *Cheryl Gannon* attended a seminar February 11 on "Understanding Congress". *Sara Sonet* took classes in January at the Georgetown law center.

*(Continued on next page)*

## BACK OF THE BOOK

(Continued from page 6)

### THE CHAMBERS

*Wanda Syverson* married *Ronald L. Martinson* April 25. The groom is special deputy to the Sergeant at Arms of the Senate.... *Carolyn Courbois,* secretary to *Justice White,* took a para-legal course at the Department of Agriculture, January to March.

### ADMINISTRATIVE ASSISTANT

By *Mark Cannon*

New interns are *Helen W. Clark,* a second-year law student at Catholic U., *Robert Frisby* a Maryland U. junior, *Sally Jo Hahn,* second-year student at the Antioch School of Law, and *Paul Predmore,* a senior at St. John Fisher College in Rochester, N.Y..... *Vanessa Yarnall* took a one-week course at the Institute for Court Management in New Orleans: "Management for Justice System Supervisors".

### CAFETERIA

By *Jane C. Crooks*

Permit me to introduce myself. I am 22, a graduate of Indiana (Pennsylvania) University (B.S. in Food Service Management). I am a staff member of the Ogden Food Service Corporation which sees this cafeteria as one of its main institutional accounts. I have studied at Ogden's Management Development Center in New Hampshire and, before coming here, managed a staff of twenty at the Prince George's Community College cafeteria....

Sixty-eight customers answered our recent questionnaire. These were some of the results. Just over a fourth eat both breakfast and lunch in our cafeteria. Ninety-one percent found our service courteous. Two thirds thought the food was sufficiently hot or cold, though ten percent found the "hot" food merely warm. Just under half thought there was good food variety. We asked special hates and also missing favorites. Seven percent would do away with parsley potatoes. Four percent vetoed veal. Three percent were anti-liver. Six percent wanted cold sandwiches: tuna, chicken, egg salad and so forth. Six percent asked for more variety in vegetables. Three percent spoke up for plain yogurt, more Italian foods, and more chicken and fish....

### MORE TRAINING

By *Darlene Pohlod*

*Sergeant Jesse L. White* and *Officer Nancy E. Porter* of our police have been taking courses: Sergeant White was at the Redstone Arsenal in Huntsville, Alabama, for a week in February at the "Hazardous Devices Basic School". Nancy is taking a five-month course in Abnormal Psychology at the Prince George's Community College.... *Gail Galloway* and *Betsy Trumble* took classes on "Insights into Antiques" at the Smithsonian, January to March.... *Richard Schickele,* Legal Officer, is studying Court Management Practices at American U..... *Benny Lu* of the Computer staff went to Bedford, Massachusetts, for a brief course at the Atex Company on "Editorial System Program Maintenance".... *Maggie Dupree, Beverly Eaves* and *Barbara Loonan,* of the Secretarial Support Unit, did special studies: Maggie attending a session on "Word Processing Supervision" at the National Institute for Management Research in Alexandria, and the latter two working on proofreading at the Department of Agriculture... *Mary Beth Clark* will take a course on public information techniques conducted here in D.C. this month by New York U.

### SAVINGS BONDS

By *Kathy Hance*

May is the month for our annual Court savings bond drive. Do consider purchasing them. Held to nine-year maturity, the EE bonds pay interest of 8%. The interest is tax-free at the local and state level; federal income tax payments on these earnings can be deferred.

### FORMER LAW CLERKS

*Warren Christopher,* law clerk for *Justice Douglas,* won high praise for handling the problem of the embassy personnel who were held hostage in Tehran.... Two former clerks *(E. Barrett Prettyman, Jr.* who clerked for *Justice Jackson,* and *Richard Blumenthal,* clerk for *Justice Blackmun)* had prominent roles in prosecution of various aspects of the recent Abscam case.... The Washington Star paid a tribute to *Tommy Corcoran,* law clerk to *Oliver Wendell Holmes,* as one still vigorously active in his ninth decade....Professor emeritus *David Riesman,* law clerk to *Justice Brandeis,* and co-author of the million-copy "The Lonely Crowd", was described in the New York Times as one still sought out by Cambridge students "for wisdom and warmth" ....*Allan Ryan,* who was a law clerk for *Justice White,* has been supervising the Justice Department investigation into alleged perpetrators of Nazi war crimes....*Professor Ken Ripple* of Notre Dame law school has published several articles in his law school journal and in the American Bar Association Journal. Ken was the Court's first legal officer.... A book of collected letters of *Dean Acheson* (clerk to *Justice Brandeis)* enjoyed critical acclaim.... *Dennis Hutchinson,* the final Douglas clerk, had a 96-page article in the Georgetown Law Journal on desegregation cases at the Court...*Michelle Odorizzi,* law clerk to *Justice Stevens* in the 1979 Term, is the mother of *Sarah Louise Babbitt,* in Evanston, Illinois (7 pounds, 14 ounces at birth).

### HISTORIAN

*Jeff Morris'* son, *David,* age two, is already an historian in the footsteps of his grandfather, *Professor Richard B. Morris* of Columbia U. As other tots may know their numbers and the alphabet, David can give you history's fifteen Chief Justices. Who was number 2? *Rutledge!* Number 13? *Vinson!* The first? The latest? David has them all.

## HISTORY AT THE INAUGURATION

A footnote was added to American history at the start of the present Administration when *Justice Potter Stewart* swore in his old friend, former neighbor and fellow Yale graduate, George Bush, as Vice-President. It was only the second time in national history that an Associate Justice swore in a Vice-President. In the photo above, Mrs. Bush and Senator Mark Hatfield of Oregon look on as the oath is administered at the Capitol's West portico.

Moments after Mr. Bush entered upon his office the *Chief Justice* swore in President Reagan. That followed a much longer tradition for there have been only eight occasions on which an incoming President has not been sworn in by a Chief Justice. *Oliver Ellsworth* administered the oath to John Adams, *John Marshall* to Thomas Jefferson, James Madison, James Monroe, John Quincy Adsms and Andrew Jackson, *Roger B. Taney* to Martin Van Buren, William H. Harrison, James K. Polk, Zachary Taylor, Franklin Pierce, James Buchanan and Abraham Lincoln, *Salmon P. Chase* to Lincoln (second term), Andrew Johnson, and Ulysses S. Grant, *Morrison R. Waite* to Rutherford B. Hayes, James A. Garfield, Chester A. Arthur and Grover Cleveland, *Melville W. Fuller* to Benjamin Harrison, Cleveland (when re-elected), William McKinley, Theodore Roosevelt and *William H. Taft*, *Edward D. White* to Woodrow Wilson and Warren G. Harding, Taft to Calvin Coolidge and Herbert C. Hoover, *Charles Evans Hughes* to Franklin D. Roosevelt, *Harlan F. Stone* to Roosevelt (fourth term), *Fred M. Vinson* to Harry S Truman and Dwight D. Eisenhower, *Earl Warren* to Eisenhower (re-elected), John F. Kennedy and Lyndon B. Johnson, and *Warren E. Burger* to Richard M. Nixon, Gerald R. Ford and Jimmy Carter.

Starting with the very first installation of a Vice-President: John Adams in New York in 1789–and for thirty-one similar occasions up until the installation of Vice-President Harry S Truman in 1945, it was the president pro tem of the Senate or the outgoing Vice-President who swore in the new Vice-President. In 1949 Justice *Stanley F. Reed* created a brief new tradition by swearing in Alben W. Barkley, his fellow Kentuckian. Since then a variety of national dignitaries have presided at the installation of Vice-Presidents: Senator William F. Knowland swore in his fellow Californian, Richard Nixon; Speaker Sam Rayburn, his fellow Texan, Lyndon Johnson; Speaker John W. McCormack, his fellow resident of Massachusetts, John Kennedy, and Chief Justice Burger — Spiro T. Agnew, Gerald Ford and Nelson A. Rockefeller.

## THE COURT IN HISTORY

**170 years ago, June 19, 1811.** *Samuel Chase*, the last of George Washington's appointees serving on the Court, dies in office at age 70 after fifteen years of service.

**65 years ago, June 1, 1916.** Woodrow Wilson appoints *Louis Dembitz Brandeis* to the Court.

**June 10, 1916.** *Charles Evans Hughes* quits the Court to run against Wilson for President.

**40 years ago, June 25, 1941.** Franklin D. Roosevelt appoints *James F. Byrnes* to the Court.

**June 30, 1941.** Charles Evans Hughes, now Chief Justice, leaves the Court for the second and final time, at age 79.

MAR 2 2 1982

HAPPY VACATIONS!

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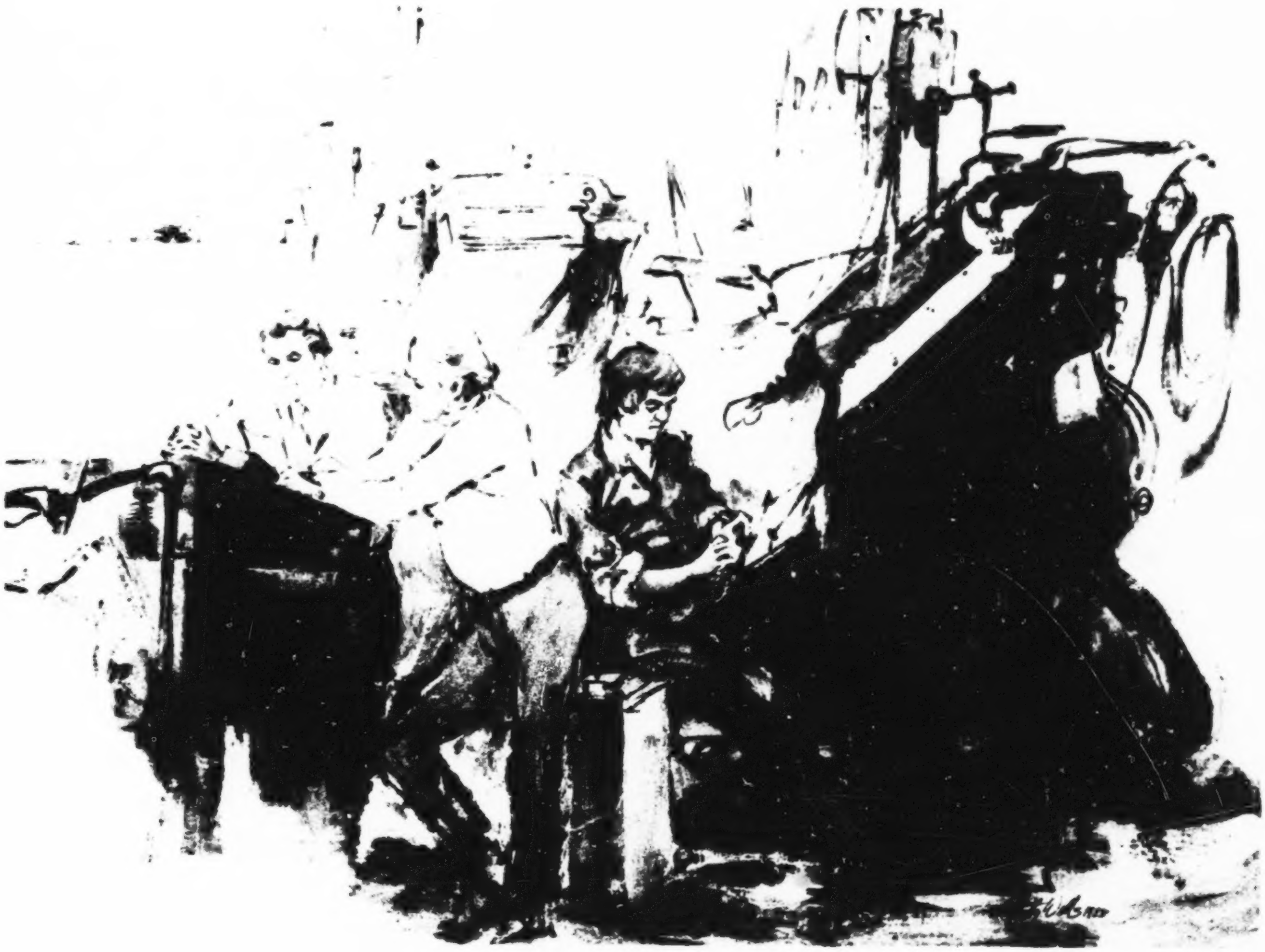
The Docket Sheet

SUPREME COURT OF THE UNITED STATES

VOLUME 18, NUMBER 4

JULY-SEPTEMBER 1981



HOT METAL

Betty Wells

(See Page 3)

## MRS. GOSSETT

The Court lost a good friend on April 25 with the sudden passing of **Mrs. Elizabeth Hughes Gossett**, the last surviving child of **Chief Justice Charles Evans Hughes**, and the founding president of the Supreme Court History Society.

**Chief Justice Burger** said of Mrs. Gossett:

CHARLES
HUGHES
50 ANNIVERSARY
POINTMENT AS CHIEF

PHOTO-BUCHANAN

*Mrs. Gossett and Chief Justice Burger at 1980 50th Anniversary of Hughes Chief Justiceship*

"She was an extraordinary woman who showed many of the talents for organization and leadership for which her famous father was noted. Her intimate acquaintance with this Court from the time of her father's Chief Justiceship...enabled her to make an unusual contribution to the programs of the (Historical) Society for the education of the public on the role of the Court in American life."

**Justice Powell**, who like Mrs. Gossett's husband, **William T. Gossett**, is a past president of the American Bar Association, commented:

"She viewed the Court as the ultimate guardian of the liberties that Americans cherish".

Mrs. Gossett was born 73 years ago in the State House in Albany, New York, the first child born there. Mr. Hughes at that time was Governor of New York State. Mrs. Gossett served as president of the Historical Society for its five years and had been its board chairman since then.

The Gossetts celebrated their golden wedding anniversary a year ago.

Visible throughout the building are the improvements and embellishments Mrs. Gossett provided as one of a variety of Historical Society contributions. Mrs. Gossett set the example as she invited others, including descendents of past Justices, to contribute artifacts associated with the Court's 191-year history. A long list of items Mrs. Gossett gave to the Historical Society was compiled recently by Court Curator **Gail Galloway**. Among the items are: an Oriental rug which was Chief Justice Hughes' property, a piano, a host of Hughes memorabilia from his political campaigns, books, gold medals, historical photographs and correspondence with several Presidents. Much of this latter is on display in the Hughes exhibit in the ground floor museum area.

## YESTERYEAR IN THE DOCKET SHEET

December, 1959: "The man with the new lieutenant bars on the police force is **Leonard Cross** ....Stepping into Cross's place as sergeant is **Joe Reil**, a 5-year man on the force ... Work of transferring the old records of the Court, beyond 50 years back, is almost completed. These records are now at the National Archives .... New employees: Clerk's Office, **June M. Hoffmann**, police force, **Private Stephen Sokoloski**."

### DID YOU KNOW

That, on average, each Justice now produces the equivalent of a volume of the United States Reports every twenty-four months?

## QUOTATIONS

"Charging a jury is not a matter of abracadabra", **Justice Frankfurter**, concurring in Andres v. United States, April 26, 1948.

"Bacardi rum has always been made according to definite secret processes ... and enjoys an excellent reputation". **Chief Justice Hughes**, writing for the Court in the Bacardi Corporation of America v. Treasurer Domenech of Puerto Rico, December 9, 1940.

The Docket Sheet is published trimonthly in the Summer and bimonthly through the rest of the year. The publisher is **Barrett McGurn**, the Court's Public Information Officer. The assistant editors are **Mary Beth Clark, Laura Carlan** and **Effie Triarhos**.

Typesetting and printing is by Di Cesare & Associates.

## HOT METAL
### (See cover photo)

**The cover painting by NBC artist Betty Wells portrays a scene which has been familiar here for 35 years but is now entering the final year or two of its existence. Electronics are taking over what the hot-metal linotype system of printing Court Opinions has handled until now.***

Until the Court goes into recess during the next few days **Lou Cornio**, assisted by **Alexander Green**, the proofreader, **William Baird** and **Jerry Doering**, the linotype operators, and **Emanuel Datcher** (who has run the press for us for the past fifteen years), will continue to print the current Opinions of the Court. In the Fall the wizardry of the Atex computer system will take over and the Opinions due to appear in the United States Reports will be set through that new process.

Lou Cornio's many friends need not fear, however, that Lou and his staff will soon return to their home agency, the Government Printing Office. Through the 1981 Term Lou and his printers will be here in a back-up role and, for another year or two, Lou's teams will be with us completing the work on the bound volumes created by the last couple of terms.

**Mark Cannon** was a prime mover in launching the new system. It operates under his general direction. **Jim Donovan** manages the system. **Jim Robbins** is responsible for staff and organizational changes. Jim Donovan, as Director of Data Systems, works closely with **Henry Lind**, the Reporter of Decisions, who has the official responsibility for producing the U.S. Reports.

The new system means, in brief, that secretaries and law clerks in the nine chambers of the Justices, with the help of "state of the art" electronic equipment, will set type for the pages of the U.S. Reports — for the Bench Opinions which are released at the moment of decision (the copies used by newsmen), for the Preliminary Prints (the intermediary paperback versions of the Opinions) and for the permanent volumes. Already a trial run is under way. Some of the Opinions of **Justices Powell** and **Stevens** are being set electronically as a test, although the actual production of the Opinions of all nine chambers for this final term will be done by the Cornio staff.

The Atex system has cost just under $1 million but is expected to pay for itself within a few years. It will also speed up production of the bound volumes. Right now it takes 24 to 30 months to put the completed books on the shelves. Henry Lind is aiming to return to the schedule the Court had prior to the 1971 Term: Preliminary Prints out by the start of the new Term, and bound volumes ready about a year after Decision. (A measure of why the time has lengthened is given by the 1954-1979 comparison. The Print Shop staff in 1954, much the same size as now, merely had to produce two volumes of the U.S. Reports toalling 1,012 pages. By the 1979 Term the Cornio staff was all but overwhelmed by the demands of five volumes with 3,000 pages in all.**)

The new system with its video screens, its automatic adjustment of lines of type, its handling of footnotes and different type sizes, and its pagination abilities, means much swifter handling of Opinions at every stage. One Justice in recent weeks was astonished when he covered an Opinion draft with changes; forty-five minutes later it was back in completed form. Retyping under earlier systems always involved the risk that the correction of one version would involve new errors inserted into the next. That cannot happen now.

All this is a far cry from a decade or so ago when carbon paper was the sole duplicating material at the Court. The operation of the Clerk's Office was wholly manual. In the early 1970's an extensive modernization began. The roll of membership in the Court's Bar, and the docket of the Court, were computerized. Then came Wang machines with their video screens and their mechanical memories. Justice Powell's chambers tried the machines first; other chambers followed.*** Three years ago the Justices decided to go a long step further, to the electronic setting of Opinions. In the late winter of 1978-1979 bids were invited. By Spring eight companies bid. Atex alone met all needs. By last Summer the intricate machinery began to arrive: computers, word processing terminals, a Mergenthaler Linotron Digital Typesetter, a LogE photo-processor, and an Addressograph-Multigraph offset press. Law clerks and secretaries were trained in the 1980 Fall in use of the gear. The same training will go this Summer and in future years to incoming law clerk classes—with even the training course computerized.

PHOTO-GRZANKA

ROLAND GOLDSTRAW
IN THE COMPOSITION ROOM

**Roland Goldstraw** supervises the new Publications Unit. He directs three phototypesetters—**Steve Wimberly** and **Derek Butler** by day and **Wilma**

(Continued on next page)

## TO THE EDITOR

"I want very sincerely to say thank you (to the Supreme Court staff) for the wonderful support you gave me in sharing my sorrow in the most painful time of my life (the murder of her husband, **William Walker**, of the Library staff, outside their Capitol Hill home*). William and I met each other four years ago in Paris. I was the luckiest lady on earth. The sun shone in our hearts. My world is now destroyed. Please take care of yourselves that such a tragedy never happen to you or your families. I shall keep in touch. My second home is the United States where my husband is buried". Frederique de Courcy Walker, Paris.

*The Docket Sheet, May 1981.

## THE COURT IN HISTORY

**60 years ago, July 11, 1921. Former President William Howard Taft** becomes Chief Justice, the only person in history to serve at the head of both the Executive and the Judicial branches.

**40 years ago, July 2, 1941. Harlan Fiske Stone,** after sixteen years as an Associate Justice, promoted to Chief Justice, the fourth person to serve the Court in both functions.

**35 years ago, August 24, 1946.** Death at 84 of the first Wilson appointee to the Court, **James Clark McReynolds.**

**10 years ago, September 23, 1971.** Retirement of **John Marshall Harlan** after 16 years on the Court.

**September 25, 1971.** Death of **Hugo Lafayette Black** following 34 years of Court service.

HOT METAL
(Continued from page 3)

**Kimmerly** at night. On weekends **Norman Manassa** runs the system as a temporary employee. **Harry Datcher** is in charge of the offset press. **Benny Lu** serves as a senior computer programmer assisting in system design, programming and other technical tasks related to the computer activities.

In Henry Lind's office, **Johanna Patchan, Judy Ronningen, Dan Long, Ron Jones** and **Susan Herndon** have been trained as operators. Since last Fall the Office of the Reporter of Decisions has been using the Atex for preparing material for the U.S. Reports: the syllabi of Court Opinions, Court Orders — in U.S. Report format, tables of cases reported, counsel listings, and indexes. With the computer automatically alphabetizing the tables of cases and the indexes, a considerable saving of time already has been achieved.

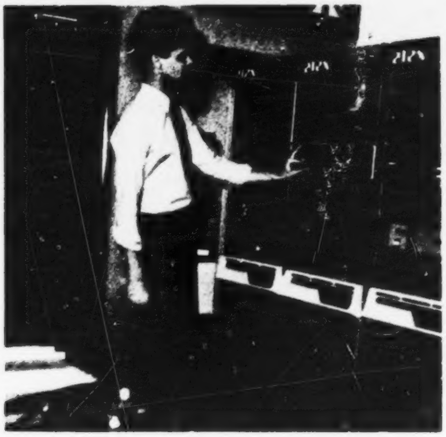


PHOTO-GRZANKA

**STEVE WIMBERLY** with Minicomputers

Others who have been involved in Henry Lind's department have been **John Antonio,** the Publications Officer, **Henry Ritter,** his assistant, (both former employees of the Government Printing Office,) and **Ralph Taylor** who was John Antonio's predecessor. All three helped with technical printing advice as the computer operation got under way.

*For more on the history of Court printing going back one and one-half centuries, see the Docket Sheet of April 1978.

**At the time of the 1954 Term bound volumes were out within a year. Given the present volume of Court work it is not expected that even the new system will be able to match that.

***Special credit must go to **Linda Blandford** for her central role in bringing the Wang machines to the Court and setting the institution on the road to the Atex system.

In 1976 Linda showed Justice Powell a catalogue of the Wang word-processing machines. She urged that they be used. It seemed like a dream of some sort but the Justice and the Chief Justice agreed, two work stations were rented, Linda went to school with the Wang people, and results were so satisfactory that several other Chambers followed suit within the following year.

The Wang success merely indicated that a more advanced system was desirable. Again Linda and the Powell Chambers led the way. For a full Term they experimented with Atex word processing equipment. Again Linda was in the point position, mastering the techniques, teaching them to others in the same Chambers, and then instructing those in other Chambers. Linda served then as a member of the Court committee making the final selection of Atex as the permanent Court system.

## THE JUSTICES

The **Chief Justice** swore in thirty-eight staff officers of the White House and of the Executive Office in a group ceremony....At a separate meeting the Chief Justice administered the oath to the United States Chief of Protocol, Mrs. Walter Annenberg.... The United States Military Academy at West Point, New York, has begun a series of parades of the cadet corps in honor of various national figures. The Chief Justice was so honored.

The Harvard Civil Rights — Civil Liberties Law Review published a thirty-page tribute to **Justice Brennan. Justice Stewart**, Albert Sacks, David Bazelon, Frederick Hall, Milton Katz and Frank Michelman were contributors.

The Cincinnati and Federal bar associations presented a portrait of Justice Stewart to the United States Court of Appeals for the 6th Circuit. Ruth Nester of Xenia, Ohio, whose earlier work is on display on the walls of the University of Cincinnati, was the artist. Chief Judge George Edwards of the 6th Circuit Court of Appeals made the acceptance remarks at a court session. Anne Cohen, in the Cincinnati Post, said that Justice Stewart was remembered locally as the son of the mayor of Cincinnati as well as one who, at the age of 43, twenty-three years ago, became a Justice of this Court.

**Justice Blackmun** addressed the Tennessee Bar in Gatlinburg on June 13. He will attend the 8th Circuit Conference in Kansas City in early July and, with Professor Norval Morris of the U. of Chicago law school, will co-moderator a seminar on Society, Justice and the Individual at Aspen in the Colorado Rockies in mid-August.... The Hamline Law Review published the address the Justice gave at the dedication of Hamline's new law school building.

**Justice Powell** was awarded the Thomas Jefferson Memorial Foundation Award in Law by the University of Virginia in Charlottesville. The Justice was quoted as expressing pleasure at being numbered among previous recipients of the honor: former Solicitor General Erwin Griswold, Harvard Law Professor **Paul Freund**, Senior Judge Henry J. Friendly of the 2nd Circuit and Carl McGowan, then Chief Judge of the U.S. Circuit Court of Appeals in D.C.

"**Justice Rehnquist**: First Amendment Speech in the Labor Context" was the subject of a Hastings Constitutional Law Quarterly article.

The Harvard Law Review displays on its walls the pictures of former editors including **Justice Frankfurter**, and former law clerks **Dean Acheson, Elliot Richardson, Philip Graham, William T. Coleman, Henry J. Friendly, Alexander M. Bickel** and **Gerald Gunther.**

### Suggestion

Why not take advantage of the bicycle rack in the basement? Cycling is good exercise and there is ample rack space. Check in with **Captain Zagami.**

**NEXT ISSUE:**
RETIREMENT OF **JUSTICE STEWART**

### Erratum

The Docket Sheet erred in its May 1981 reference to the Old Supreme Court Chamber in the Senate wing which was used for a brief court session just before President Reagan's inauguration. The chamber was used by the Court from 1819 to 1960, not from Civil War days to 1935. Another larger room was employed in this latter period.

## HAPPY BIRTHDAY

To **Justice Marshall** on July 2, to the **Chief Justice** on September 17, and to **Justice Powell** on September 19, and

**In July to:**

| | |
|---|---|
| 1 | Vincent Burke |
| | David Douglas |
| 3 | Dean Ann Grzanka |
| 4 | Vic Dahlquist |
| 6 | James Brudney |
| | Nadine Tyree |
| 7 | David Dixon |
| 10 | John Antonio |
| 11 | Joseph C. Waddy, Jr. |
| 14 | Charles Parker |
| 15 | Warren Andrews |
| | Elliot Gerson |
| 16 | Yvonne Rogers |
| 17 | Ernest Mickens |
| | Calvin Todd |
| 18 | Deborah Savage |
| 19 | Michael Rubin |
| | Coleman Williams |
| 21 | Jean Douglas |
| | Walter Jackson |
| | Howard Martin |
| | Andrea Peterson |
| | Charles Smith |
| 22 | Clinton Frank |
| 26 | Walter Robertson |
| 27 | John Drexhagen |
| | James Henderson |
| 28 | Trudy Fry |
| | Bill McCormac |
| 29 | Morris Garner |
| 30 | Cliff Geisler |

**In August to:**

| | |
|---|---|
| 1 | Bob Higbie |
| | Darlene Pohlod |
| 2 | Cornelia L. Brown |
| | Eugene Sartori |
| 3 | Thelma Hodges |
| | John Nichols |
| 4 | Henry Johnson |
| 5 | Bill Gullickson |
| | Betsy Trumble |
| 6 | Robert Knauss |
| 9 | Clare Bailey |
| | Arnettis Swinson |
| 12 | Paul Smith |
| 13 | E.J. Shegonee |
| 15 | Walter Black |
| | Mary Fowler |
| 16 | Sam Seabrook |
| | Paul Taggart |
| 18 | Gail Galloway |
| | Robert Weaver |
| 19 | Joe Smith |
| 21 | Donald Baker |
| | Jean Clemencia |
| | Francis Kehoe |
| | Loretta Ruffin |
| 22 | James Donovan |
| 27 | Sharron Fitzgerald |
| | Edith Parks |
| | William Trosky |
| 28 | Joe Thompson |
| 29 | Mark Cannon |
| 30 | Wanda Martinson |

**In September to:**

| | |
|---|---|
| 1 | Thomas Oliver |
| | Thomas West |
| 2 | Bruce C. Swartz |
| 4 | Teresa Ann Powell |
| | Constantine L. Trela |
| 5 | Gay Shuler |
| 6 | Leonard Zawistowski |
| 8 | Elliot E. Polebaum |
| 9 | Kathy Hance |
| | Freddie Scott |
| | Eula Mae Waiters |
| 11 | Dot McKinney |
| | Wendell Pugh |
| 12 | Jerold S. Kayden |
| 14 | Oscar Alston |
| 16 | J. Peter Byrne |
| | John Sullivan |
| 17 | Ed Schade |
| | Derek Butler |
| 19 | Connie Murphy |
| 21 | Jesse Scales |
| 22 | Georgia McPhatter |
| 24 | Theresa Haslip |
| 26 | Theodore McGhee |
| | Nancy Porter |
| 27 | Dina Zucconi |
| 29 | Frank Hicks |
| | John Sexton |
| 30 | Ed Douglas |
| | Allan P. Ides |
| | Frank Lorson |

## BACK OF THE BOOK
## FROM AROUND THE BUILDING

### Pat Dean

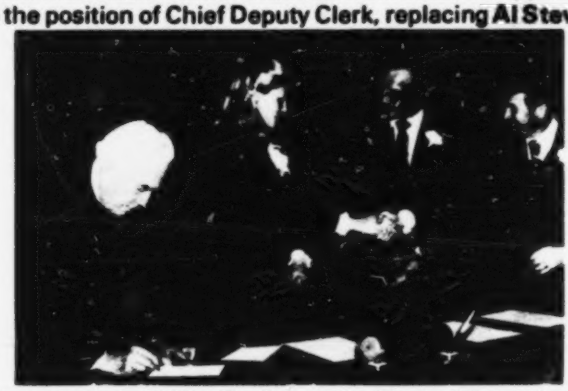
**Patricia Dean is the new Deputy Clerk of the Court, the first woman in the nearly-two-century history to serve in that position.**

PHOTO-PUGH

**PAT DEAN**

Pat joined the Court staff in September 1978 as an Assistant Clerk. She is a native of the Washington D.C. area. She has a degree from the Georgetown U. School of Business Administration. While here she has been going to the Georgetown U. Law Center at night. In May she was awarded the J.D. degree. In spare moments now Pat is engaged in the next step, cramming for this Summer's D.C. bar exam.

Pat succeeded **Frank Lorson.** Frank in turn stepped up to the position of Chief Deputy Clerk, replacing **Al Stevas** who succeeded **Mike Rodak** as the Clerk of Court. In the photo the **Chief Justice** is seen signing all three commissions.



Other Clerk Office news:

**Sandra Dorsey** is Assistant Clerk to Chief Deputy Clerk Lorson.... **Sandra Nelsen** is back as an Assistant Clerk, mother of Christopher Thor Nelsen (three pounds, fifteen ounces)....

**Bill McCormac** was in Atlanta for a week taking a Burroughs Corporation course, "Introduction to Programming".... **Debbie Savage** was in Philadelphia for five days studying "system support". Debbie is the Clerk Office Programmer.... The Clerk's Office has a new printer. It should improve the quality of computer-generated documents. The office has converted to a new computer software system designed by Compuware. It is expected to make the process of input and retrieval of information easier.

Clerk Stevas has begun holding regular staff meetings for instructional and information-sharing purposes.

Temporary Summer employees include **Stephen L. Bradford** and **M. Patricia Walther....Nino Meksvanh,** the computer operator, has left the Court.

### MARSHAL'S OFFICE

**By Al Wong**

Are you planning to travel? Check with us before doing so. Various hotels, motels and car rental companies provide reduced rates for federal government employees traveling on official business and sometimes also when such persons are engaged in private travel. The same applies to air travel. The GSA has made arrangements with eleven major airlines for reduced rates on official travel between Washington, D.C. and nineteen principal cities including New York, Chicago, New Orleans, San Francisco, Dallas and Miami.

Other news:

**Donna R. Hooper** has joined the housekeeping force and **Janie Mundey** is now a permanent employee of that body .... **John C. Knechtle** and **Tina Patrick** are temporary messengers .... Temporary Summer staffers are **Patricia M. Powis, Karen R. Frankel** and **John Douglas Smith** .... **Marjorie Vaughan** took a one-day secretarial course at the American Seminars Institute in Alexandria. She was joined in that by **Darlene Pohlod** of the Personnel Office .... **Dina Zucconi** and **Kathy Hance**

(Continued on next page)

## BACK OF THE BOOK

(Continued from page 7)

attended a financial management conference at the Hotel Mayflower .... **Carolyn D. Dupree** and **Daryll E. Wright** took a 9-week Department of Agriculture course, "Introduction to Law for Paralegals" .... **William E. Shanklin** was at the same Department over a similar period studying Typewriting II .... **Jeanette Perry** has left the housekeeping staff.

### REPORTER OF DECISIONS

By **Henry Lind**

**Susan Herndon** studied legal research at the Library of Congress.... **Johanna Patchan** and her husband vacationed at Las Vegas.

### LIBRARY

By **Roger Jacobs**

**Robert Higbie** was in Philadelphia for two days at the First Annual Preservation of Library Materials Conference.... **Sharron FitzGerald** took a one-day course on "Automated Acquisitions Systems" at the Metropolitan Council of Government...**Kenneth R. Richardson** did a "College English Review" in the April-June period at the Department of Agriculture...**Cheryl Gannon** is studying "Introduction to Legal Research and Writing" at Georgetown U ....**Betty Clowers, Sara Sonet, Patricia Evans,** Sharron FitzGerald, **Kathleen Hanley** and **Claire Bailey** are taking part in the current four-day annual meeting of the American Association of Law Libraries. **Cindy Kranz, Marguerite Hill** and **Michael Gehringer** have left the Library.....Summer helpers include **David B. Berry** and **Charles F. Bowman.**

### PERSONNEL SERVICES

By **Kathy Hance**

Have you noticed our information rack just outside the door of room 5? It is crowded with information on health benefits, saving bonds, workmen's compensation, retirement and so on. Help yourself to the pamphlets. If you still have unanswered questions and needs, let us know.

### POLICE

By **Officer Beth Cooper**

Do you make use of the parking spaces reserved to various Court employees? Be sure that your vehicles are registered in your name in the police room to guarantee against being ticketed.... **Officer Mickey Boteler** has retired from his after-hours career as a teaching tennis pro, an avocation he pursued for 23 years. Mickey is a Georgetown native. He captained the St. John's High School (D.C.) tennis team 1949-1951, played in the Tennis "Juniors" in this area for many years, went to George Washington U. on a tennis scholarship (1953-1956), and, as a pro, had many students including Congressmen and Senators and even John Dean, then of the White House!

**Officer Charles H. Akins,** glowing over the birth of a granddaughter, and his wife are planning for next year a 25th anniversary repetition of their wedding trip: to Marseilles, Cannes, Nice, Toulouse and other parts of the Riviera...**Officer John H. Drexhagen, Jr.** is doing his bit for ecology (and for his local boy scouts and parish school) by picking up hundreds of pounds of newspapers and aluminum cans from around our building .... **James Kendrick** is new to our force.

### QUILTS

**Linda Blandford** and **Pat Evans** entered quilts in the Woodlawn Plantation needlework competition. Linda's were both of full size: a sampler and a Dolley Madison star quilt. Pat's was a baby quilt with a flying geese pattern done for daughter Molly. It won a third place ribbon in the baby quilt competition.

Linda has her bachelor's business degree from Maryland U., summa cum laude.

### INTERNS

By **Vanessa Yarnall**

Interns recently have been: **Lance Hanf,** a senior at the U. of Santa Cruz (California), **Mitchell Edwards,** a senior at Brigham Young U., **Daniel Aronson,** a first year student at the N.Y.U. law school, **Joseph Faber,** a graduate this year of the Johns Hopkins U., **Greg Hansel,** a Harvard senior and **Niki Ann Kuckes,** a 1981 grad of Cornell.

### FORMER STAFFERS

**Marty Yopp,** secretary to **Justice Douglas,** was chosen in a nationwide competition among community college administrative officers to take part in a leadership program financed by the Fund for the Improvement of Post-secondary Education. Marty is development officer at the Lake City Community College in Florida...**Delora Bertelsen,** former secretary to **Mark Cannon,** was elected to the Springville, Utah, city council, the greatest vote-getter in a field of eight candidates...**Irene Lydanne** dropped by the Court to greet **Betty Clowers.** Miss Lydanne, now a Californian, was employed in 1937 on the staff of Reporter of Decisions **Ernest Knaebel** (eleventh in a near two-century succession in which **Henry Lind** is now fourteenth)...**Joan Sprince,** former Docket Sheet assistant editor, is on the staff of the Journal of International Law at the U. of Virginia law school.... **Kristine Keller Markwell,** formerly of the Public Information Office, is in Eugene, Oregon, with husband Stuart, an oncologist, and is taking University of Oregon studies leading to high school teaching.... **Marina Hsieh,** Summer intern, is taking an Archibald Cox government course at Harvard.... **Nancy Birckhead,** former secretary to Marshal **Frank Hepler,** traveled to the mid-ocean state and found Hawaii much changed over the years.... **Susanne Owens** has resigned from her position here as assistant curator.

**G. Robert Giacalone,** a painter here for nearly two decades, has been doing fine at Cape Coral, Florida, after by-pass operations .... Former Judicial Fellow **Russell Wheeler** (1973) is editor of the new Justice System Journal, a publication of the Institute for Court Management .... **E. Gordon Gee,** the first Personnel Officer of the Court, is author of "Teacher Dismissal: A

(Continued on next page)

## LAW CLERK ALUMNI

"The American Lawyer" says that a law firm in Phoenix, Arizona, may hold the record for the number of former Supreme Court law clerks listed in its membership. It is the firm of Matori, Meyer, Hendricks & Victor which has seven former clerks among the partners. One of them, **Andrew Hurwitz**, who clerked for **Justice Stewart** in 1973, is currently on leave as Administrative Assistant to the Governor of the state. The others are **Lawrence A. Hammond (J. Powell**, 1972), **Paul Meyer**, a founder of the firm (**C.J. Warren**, 1968), **David Victor (J. White**, 1968), **James Scarboro** (J. White, 1971) and **William J. Maledon (J. Brennan**, 1972).

Among other graduates of the Brennan chambers of the past quarter of a century are these: Judge **Richard A. Arnold** of the Court of Appeals of the 8th Circuit (1960 law clerk), **Stephen J. Friedman**, Securities and Exchange Commissioner (1963), President **Robert M. O'Neil** of the University of Wisconsin (1962), Judge **Abraham D. Sofaer** of the U.S. District Court for the Southern District of New York (1966) and **Daniel J. O'Hern** who is a newly appointed Justice of the Supreme Court of New Jersey (1957).

**Warren M. Christopher**, law clerk for **Justice Douglas** (1949), and Deputy Secretary of State for President Carter, has been named chairman of the advisory commission on international relations for the 1984 Olympic Games organizing committee .... **Kenneth W. Starr** (clerk to **Chief Justice Burger** in 1977) is Counselor to Attorney General William French Smith .... The Oxford U. Press Published "From Brown to Bakke" by **J. Harvey Wilkinson III** (1972 law clerk to Justice Powell) .... "The Legal Times of Washington" reports that "the floodgates for women professors are open at Harvard Law with three named as assistant professors. One of the three is **Martha Minow**, law clerk for **Justice Marshall** in June 1980.

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BACK OF THE BOOK

(Continued from page 7)

View from Mount Healthy", in the Brigham Young U. Law Review .... Former Judicial Fellow, **Judith C. Chirlin**, (1977) is an associate with the law firm of Cohen & Ziskin in Beverly Hills, California .... Another Judicial Fellow alumnus, **Alan M. Sager** (1974), is the author of a Federal Judicial Center study: "An evaluation of the application of a computerized citation-checking system in the Federal Courts" .... **Mike Guth**, former Summer messenger, took time out from Rice U. studies to serve as a research intern in the political section of the U.S. embassy in Bonn.

### POLICE SPORTS

The police softball team is midway in a ten-game season, the first game played May 7 on the Ellipse (with the Hawaiian Blue Sox), and all the rest at Catholic U. So far the team has played the clubs of Management Review, the 13th Street Walkers (twice), the Customs Court and the Federal Energy Regulatory Commission. Still on the schedule are University Research, Management Review, the Justice Department and the Sabers, the third of these at 10 a.m., the others at 6:30 p.m. All are urged to turn out to root.

### CAFETERIA

By **Paul Taggart**

The Cafeteria Committee keeps busy hunting up new ideas to make our cafeteria and snack bar menus more varied and attractive. Pizza, in the snack bar, is the latest addition. Do try it. Fans of Naples' great invention say that our tomato-and-cheese pie stacks up well against the classic expressions of the pizza art. It is sixty-five cents for a generous wedge, or $4.75 for a whole pie. And service is quick: with the help of the microwave oven you can have your portion in a minute or so. So far, in popularity in the snack bar, the pizza is running well ahead of the hot dog and neck and neck with the hamburger.

### MORE PEOPLE

**Karen Bizier** is a temporary cataloguer in the office of Curator **Gail Galloway. Timothy B. Carey** is in the same office for the Summer...**David A. Schlueter** is coming on board as Legal Officer.....**Kathleen E. Tycz** is now permanent on the Library staff....**Bernardine L. Morielli** is here for the Summer in the Personnel Office and **Tamah M. Terry** is in **Mark Cannon's** office....**Jim Robbins** was at the Institute for Court Management for a week....**Barbara Loonan** has left the Secretarial Support Unit.

### VISITORS

Visitors have included one young woman whose autograph will be collected by everyone: Angela Maria Buchanan, the new Treasurer of the United States, who signs all currency. Other visitors numbered several Crow Indians, some in full regalia, who talked to newsmen out front; Lou Harris, the poll taker; Bette Davis, the actress; David John Mellor, head of the Conservative legal affairs committee in the House of Commons; David Solomon (creator of Australia's new court-reporting service); and a group of Kiplinger Fellows from the Ohio U. school of journalism.

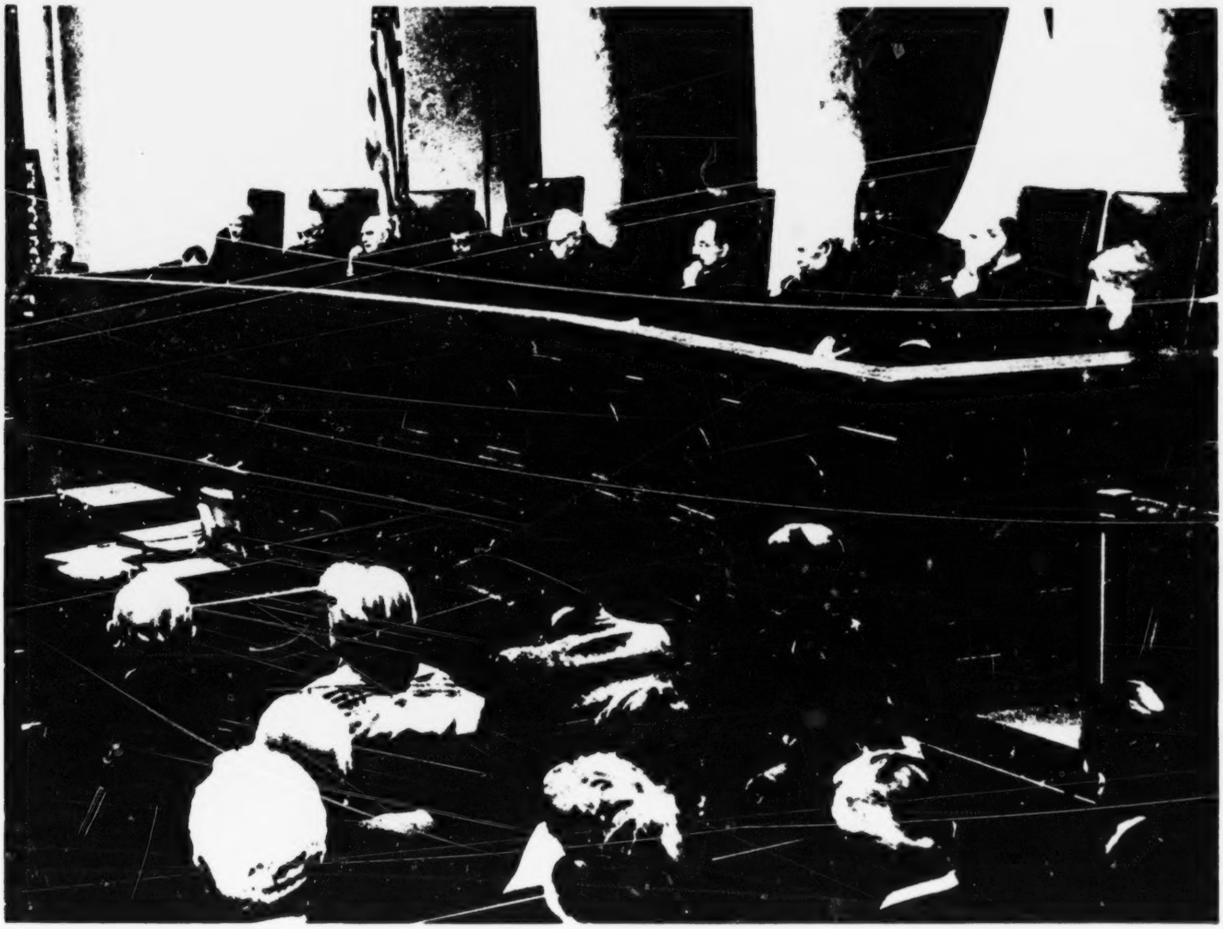
### OBITUARIES

Condolences go to the family of **David Barnes** of the Labor Force, and also to **Harry Datcher** on the death of his father-in-law, Rev. Oliver Evans, Pastor Emeritus of the Beulah Baptist Church of D.C. Eighty-six years old, Rev. Evans was killed in a fire in his home.

CHANGED COURT

# The Docket Sheet

**VOLUME 18, NUMBER 5** **OCTOBER-NOVEMBER 1981**



**MYSTERY PHOTO**

**Photo-Paramount** **(See Page 8)**

## TO THE EDITOR

"My mother and I wish to thank you for your expression of sympathy on the death of my father, **Lucius Q. C. Lamar Jr.** My father was the great-grandson of **Justice L. Q. C. Lamar**; we were surprised and impressed with your astuteness in making the connection. The copy of the Supreme Court house organ was greatly appreciated and will be treasured by me and my son for many years". **Lucius Q. C. Lamar III**, Centreville, Virginia.

(**Ed Schade** was the source of the Docket Sheet's March 1981 "Did You Know?" item about Justice Lamar to which Lucius Lamar III refers; Ed Schade was also the one who noticed the obituary of Lucius Lamar Jr. in the February 24, 1981, Washington Star. The "Did You Know?" item mentioned that Justice Lamar served the Confederacy and the Union at almost every governmental level. He was a Justice of this Court from 1888 to 1893.)

"A propos 'Media', here is an excerpt from a recent article by Henry Grunwald of 'Time': ' "The media is" is an atrocity. It should, of course, be "the media are" .... I am aware ... that I am probably fighting a losing battle. I am reminded of Horace Greeley who clung to the plural use of the word "news" long after others had collectivized it. Once Greeley cabled a correspondent: "Are there any news?" The reporter cabled back: "Sorry, not a single new".' ", Dick Allen, Chicago.

(Mr. Allen, editor of the American Bar Association Journal, referred to a recent discussion with Court staffers about use of the word "media".)

"Could you please send us all Docket Sheet issues published prior to January 1977", Colorado State University Library.

(The early Docket Sheet issues back to 1959 have been reproduced on microfiche cards by the Government Printing Office.)

"You have an erratum in your recent erratum*! It is a typo. The old Supreme Court chamber which has been restored in the Senate wing of the Capitol was, of course, in use from 1819 to **1860** - not 1960", **Elliott Carroll**, Office of the Architect of the Capitol.

**The Docket Sheet of July 1981.*

## Library
## Supreme Court of the United States

*By Sharron FitzGerald*

Additions of Interest:

AUCHINCLOSS, Louis. The long life and broad mind of **Mr. Justice Holmes**. American Heritage, 1978.

BETH, Loren P. **Mr. Justice Black** and the First Amendment. Journal of Politics, 1979.

DAWSON, Nelson L. **Louis D. Brandeis, Felix Frankfurter** and Franklin D. Roosevelt. American Jewish History, 1978.
Louis D. Brandeis, Felix Frankfurter and the New Deal. Archon, 1980.

**DOUGLAS, William Orville. Justice Douglas** and freedom of speech. Scarecrow Press, 1980.

HATCHER, John Henry. **Fred Vinson**, Congressman from Kentucky. University Microfilms, 1967.
The education of the 13th U.S. Chief Justice, Frederick Moore Vinson. West Virginia History, 1977.

HIRSCH, H.N. The enigma of **Felix Frankfurter**. Basic, 1981.

MCLEAN, Deckle. **Justice White** and the First Amendment. Journalism Quarterly, 1979.

STITES, Francis N. **John Marshall**, defender of the Constitution. Little, Brown, 1981.

ULMER, S. Sidney. Parabolic support of civil liberty claims: the case of William O. Douglas. Journal of Politics, 1979.

## THE COURT IN HISTORY

**210 years ago, October 5, 1771.** Birth in England of future Justice **James Iredell**, one of the six Justices born outside the United States.

**170 years ago, November 11, 1811.** President James Madison nominates 32-year-old **Joseph Story** to the Court, the start of a 32-year Justicial career.

**165 years ago, November 29, 1816.** Birth in Connecticut of **Morrison Remick Waite**, the seventh Chief Justice.

**125 years ago, November 13, 1856.** Birth in Kentucky of **Louis Dembitz Brandeis.**

**70 years ago, October 14, 1911.** Death at 78 of the Great Dissenter, the first **Justice John Marshall Harlan.**

**40 years ago, October 5, 1941.** Death at 84 of Justice Brandeis.

**25 years ago, October 15, 1956.** President Eisenhower's nomination of **Justice Brennan.**

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn. Mary Beth Clark** is assistant editor, Di Cesare & Associates are the typesetters and printers.

The Docket Sheet is your publication. Share with us your news and that of your colleagues (room 30, phone extensions 23211, 23212.) Take a copy home and keep a collection as a souvenir of your years at the Court.

## JUSTICE STEWART

**Justice Stewart** retired on the first day of the 1981 Summer recess after registering several Court records.

When Justice Stewart came to the Court on October 14, 1958, he was not yet 44 years old. With the exception of **Justice Douglas** who joined the Court in 1939 at 40, Justice Stewart was the youngest person to come to this bench since the 41-year-old **John Archibald Campbell** in 1853. Only five others of the 101 Justices of history were younger at the time they took the oath. (**Justice William Johnson** in 1804 and **Justice Joseph Story** in 1811 were the Benjamins of all time - each of them 32.)

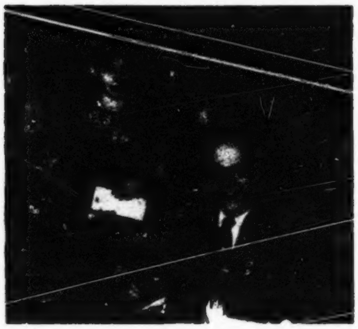


FOTO-HIGBIE

**DINA ZUCCONI** with the Justice in 1966 Bond Drive.

Justice Stewart served longer on the Court than three-fourths of the Justices of history. Only eight others in this century, **Justices Harlan** (the first), **McKenna, Holmes, Van Devanter, McReynolds, Black, Frankfurter** and **Douglas** served longer.

Counting five years on the United States Court of Appeals, Justice Stewart served 28 years in the federal judiciary. At the time President Eisenhower named him to the Court of Appeals Justice Stewart, at 38, was the country's youngest federal judge.

An exchange of letters and comments marked the retirement. The first was dated February 19, 1980

"Dear Mr. Steward [sic],

*(Continued on page 4)*

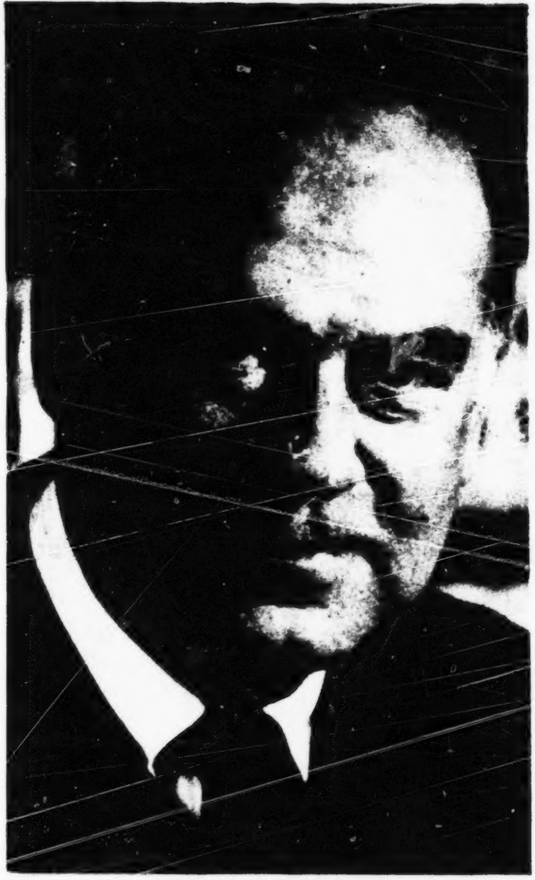
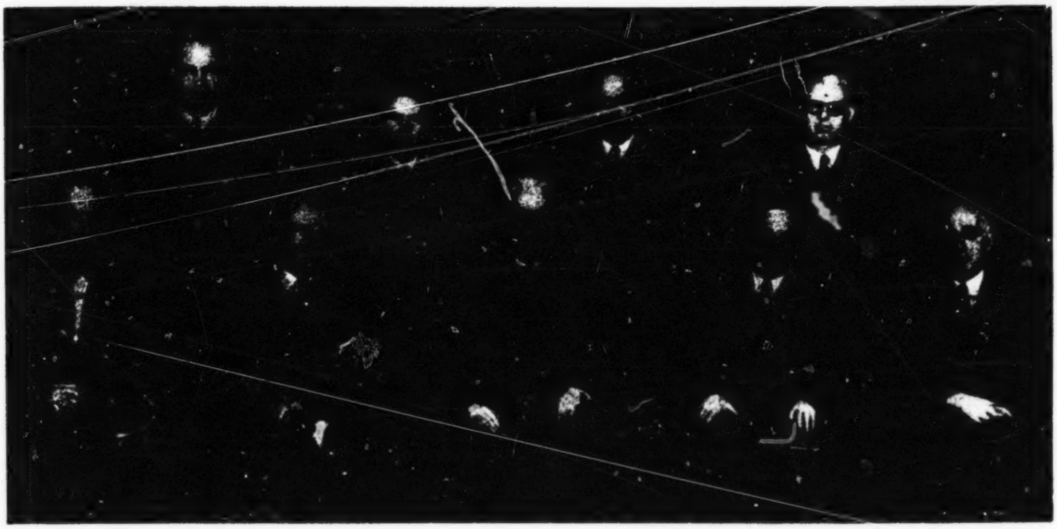
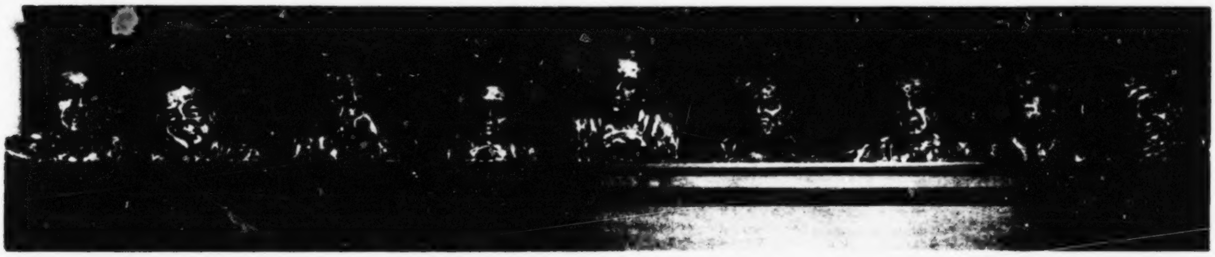


FOTO-LIBRARY OF CONGRESS

**JUSTICE STEWART**



1962 **Earl Warren** court with **Justice Stewart** as Third Junior.



Philip Ratner's sculpture of Court of 19 years ago, viewing left to right: Justice White, Brennan, Clark and Black, Chief Justice Warren and Justices Douglas, Harlan, Stewart and Goldberg.

### JUSTICE STEWART

*(Continued from page 3)*

"I am a senior at Technical High School in St. Cloud, Minnesota ... We have been studying the Supreme Court .... My reason for writing you is I would like to know why you have stayed so long. We have learned you have the opportunity to retire but still you are a judge on the court. I am not saying you need to retire but am asking why you stay ... longer than you need to ..., Donna Gallus, Route 5, St. Cloud".

The next three letters were from Justice Stewart. The first was dated February 29, 1980.

"Dear Miss Gallus,

"Thank you .... I did not become eligible to retire (at age 65) until late last month. Under these circumstances, it has not occurred to me, at least so far, that I have remained ... an unduly long time ...."

May 18, 1981, was the next:

"My dear Mr. President,

"The purpose of this letter is to let you know that ... I will retire .... Hardly a day has passed ... that I have not felt renewed gratitude for this opportunity to serve my profession and my country .... I leave with the hope that the Supreme Court will be in good and wise hands as it works in the years ahead to preserve and protect the constitutional structure of our Republic".

June 18, 1981:

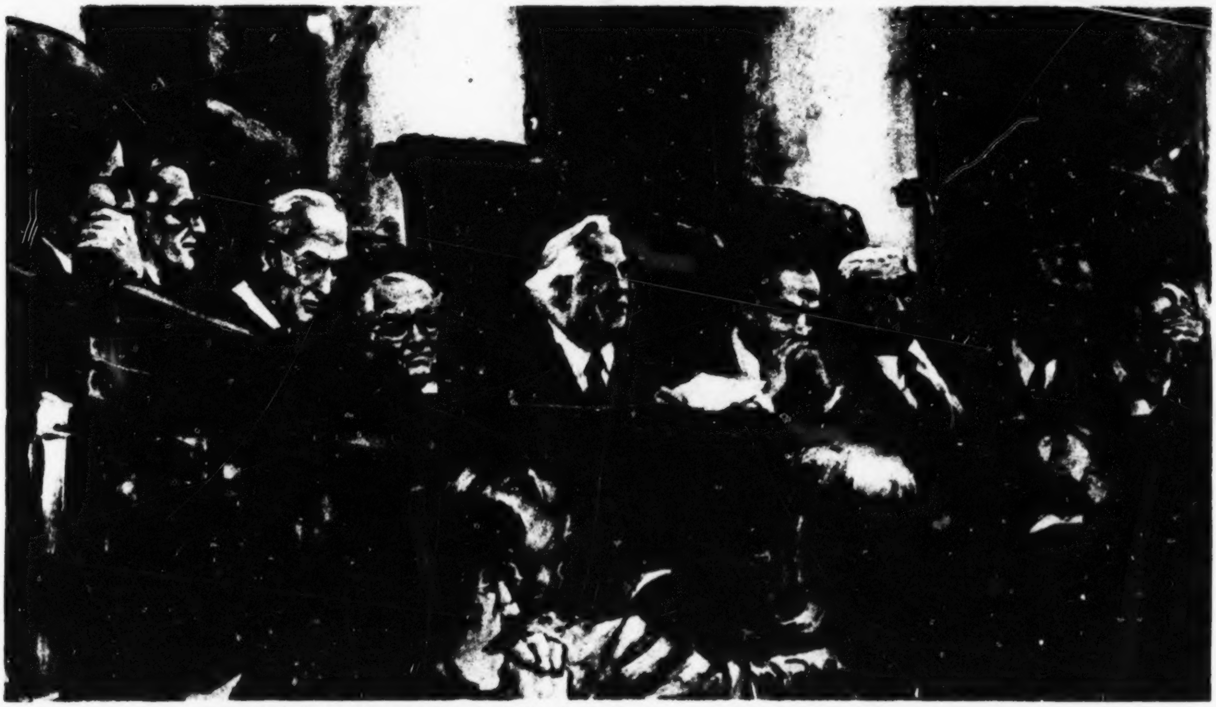
"My dear colleagues,

"This is not the time to say what these years as a Member of the Court meant to me. Probably you know. Let me only thank each one of you for your friendship and your help."

All the Justices signed the next letter which was released to the public on July 2, 1981:

"Dear Potter,

"We respect your view that 'twenty-three years is enough', but you will be missed in the deliberations at the Conference table where your close grasp of the cases decided during your long tenure - as well as those before - were a very valuable resource to the Court .... All of us join in repeating to you and Andy our heartfelt wishes ... for many good years ahead."



Betty Wells' artist rendition of the final Court on which Justice Stewart served

## DID YOU KNOW

That on at least one occasion an advertisement was run in the United States Reports, the 440 bound volumes of Court Opinions?

The ad is in the front of I Howard (42 U.S.) The year was 1843. **Benjamin Chew Howard** had just taken over as the fifth in the series of Reporters of Decisions. His sense of propriety was in no way offended by a full-page notice he inserted offering his moon-lighting services as a lawyer pleading before the Court.

His ad reads in part:

"A CARD,

"From the Reporter to his professional brethren

"And the public generally....

"The Reporter avails himself of this opportunity to tender his professional services, in arguing cases before the Supreme Court. Cases are often brought up from distant courts; and from the uncertainty of the time at which they may be called, as well as the small amount in controversy, it is inconvenient or impossible for the counsel who argued them below to follow them. The daily presence of the Reporter in court will ensure his attention to any cases that may be confided to him".

(**Henry Lind**, 14th and present Reporter of Decisions, spotted the above in I Howard and comments that times have changed.)

## SUGGESTION

Drop by room 30 for two free Telephone Company booklets listing ways to improve use of the phone systems. One booklet sketches the most common phone-answering situations and proposes the most effective ways to handle them. The other is an address book in which to list those who are most frequently called.

## QUOTATIONS

"Universal distrust creates universal incompetence", **Justice Oliver Wendell Holmes,** for the Court, in Frank F. Graham v. the United States, December 8, 1913.

"One would have to be blind to history to assert that trade unions did not enhance and strengthen the right to work", **Justice Douglas,** for the Court, in Railway Employes' Department, A.F. of L., International Association of Machinists, May 21, 1956.

## YESTERYEAR IN THE DOCKET SHEET

December 1959: "Our new Federal Credit Union is a good way to save .... (It) paid 3% in 1956 ... and anticipates paying 4% in 1959 .... This began as only a note to employees on the ... Credit Union. Now it has graduated to a monthly memorandum to be called 'The Docket Sheet' .... The Marshal ... felt that a monthly circulation of information of interest to employes would benefit all .... The Chief Justice, after reading this first issue, said: 'I think this project ... will prove of real value'."

**NEXT ISSUE :**
102d Justice

## HAPPY BIRTHDAY

*In October to **Justice Rehnquist** on the 1st, in November to **Justice Blackmun** on the 12th,*

In October to:

**1 Pat Evans**
**5 Jan Horbaly**
**6 Charles Canty**
**Kenneth Simons**
**8 Thompson Payne**
**9 Carolyn Sand**
**10 Deborah Jones**
**12 Henry Lind**
**14 Joseph Anzallo**
**15 Pat Bazil**
**16 Rachel Roane**
**18 Virginia Singletary**
**20 Joseph Reil**
**Eileen Cincotta**
**22 Theodore Truban**
**Jane Korte**
**23 Faye Veney**
**24 Ollie Jackson**
**26 Matthew Verschelden**
**27 Mary Ellen Becker**
**29 David Hall**
**Della Watts**
**Cindy Murphy**

And in November to:

**1 Bruce Rosenblum**
**Gregory Proctor**
**3 Marge McFarland**
**Jan Wood**
**Francis Stidhams**
**4 Daniel C. Long**
**5 Lillian Tyree**
**6 Allen Burgoon**
**7 Ruth Robinson**
**Beverly Eaves**
**8 Grafton Gaines**
**Mitchell Willis**
**9 Robert Kuhn**
**Nellie Pitts**
**12 Johnnie Shaw**
**16 Luther Issac**
**17 Charles Rothfeld**
**18 Laura Fleming**
**20 Deborah Crouch**
**Patricia Jones**
**Vicky Moran**
**23 Sandy Nelsen**
**Vickie Messent**
**25 Donna De Young**
**28 Patrick Powers**
**William Thornton**
**Kit Kinports**
**29 Linda Blandford**
**Sara Sonet**
**30 Carolyn Dupree**

# BACK OF THE BOOK FROM AROUND THE BUILDING

## AL STEVAS

**Clerk Stevas** is the recipient of the Herbert Harley Award of the American Judicature Society. The Chief Justice, acting for the society, made the presentation at a meeting of the Judicial Conference of the District of Columbia.

The award was for "effective administration of justice". The text of the presentation read in part:

"The success of any judicial tribunal hinges largely upon the smooth and efficient functioning of its clerk's office. In that capacity Al Stevas has provided the Supreme Court of the United States, the District of Columbia Court of Appeals, and the United States Court of Appeals for the District of Columbia with ... innovative leadership. A founder of the National Conference of Appellate Clerks, his influence has extended far beyond the nation's capital ...."

The 68-year old society has 30,000 members dedicated to judicial improvements. Judge Hubert B. Pair of the D.C. Court of Appeals is the only other person in D.C. ever to have received the Harley award.

## CLERK'S OFFICE

By **Al Stevas**

Our new Kodak copier in the file room, overseen by **Joe Jacobs**, is doing a fine job of speeding up duplication tasks .... **Katherine A. Downs**, a graduate of the Boston U. Law school, is a new Assistant Clerk .... **Laura T. Fleming** has come from the Burroughs Corporation in McLean to serve as a computer operator.

## MARSHAL

By **Al Wong**

A word about our telephones. The phone company is raising the rates on the government's FTS lines (8 on the dial). This weighs against our budget. Keep calls short. When feasible, ask the other party to return long distance calls. Use our switchboard only when you need operator assistance. Keep in mind that calls before 8 a.m. and after 5 p.m. are, in effect, according to GSA, free. These new rules will be of great help to us....

Keep in mind that there are sharp limitations on how much annual leave can be carried into the new year. Arrange with your department head the dates on which you will use authorized leave ....

New to the labor force is **Cedric N. Johnson**. Until now he was with the International Tariff Services .... **Darryll E. Wright** of the messenger staff took a June-August course in legal research at the Department of Agriculture .... **Barbara Brown** in the laundry and **Evelyn Anderson**, night housekeeper, studied "modern management and supervision" at the same department in late September .... Also last month **Kathy Hance** took a course in "budget estimating techniques" at the Office of Personnel Management.

## LIBRARY

By **Roger Jacobs**

Thanks go to **Sharron FitzGerald** for a great job in weeding out our book collection. The unneeded volumes have given us credits and funds better used elsewhere .... A warm welcome has gone to **Steven M. Barkan**, new to our research staff. Steven took his B.A. with distinction from the U. of Wisconsin in 1972, and his J.D. cum laude from the Cleveland (Ohio) State U. in 1975. At the U. of Michigan in 1980 he was awarded a Masters degree in Library Science after winning the Margaret Mann scholarship in the School of Library Science and earning election to Beta Phi Mu, the library science national honor society. Steven was in the Columbus, Ohio law firm of Barkan, Barkan & Beff from 1975 to 1979, and more recently was at the U. of Southern California law school as reference/media librarian, administering USC's micrographics and automated research systems among other duties....

**Penny A. Hazelton** is Assistant Librarian for Research Services, succeeding **Michael Gehringer** .... As a send-off to Michael, leaving for a private information-retrieval business, the staff gave him a desk sorter built in the 1820-1830 period....

**Sara Sonet** took a one-day June 10 course on federal appropriations, and another one-day session, July 23, at George Washington U. on "microforms in libraries" .... **Patricia Jones** and **Kevin Tolbert** went to the George Washington U. club to study "Library Techniques for Support Personnel" ... **Sharron FitzGerald** and **Kathleen Hanley** took part in a one-day discussion of "Anglo-American Cataloguing Rules" at the Washington Hilton Hotel.

## OTHER STUDENTS

**Marshal Wong** took part in the annual seminar of the American Society for Industrial Security in New Orleans August 31 to September 3 .... Curator **Gail Galloway** was at the Winterthur Museum in Wilmington for the 1981 Summer Institute on Decorative Arts in America ...**Mary Ann Sust** of the **Chief Justice's** chambers took a course in "Introduction to Modern Archives Administration" at the National Archives .... **Derek Butler** of the computer staff went to Bedford, Massachusetts to familiarize himself with the Atex "publishing system operation".

## MORE PERSONNEL

**Linda L. Rickman** is Assistant Secretary in **Justice Stevens'** chambers. She worked previously with

Steptoe & Johnson In D.C. ... **Vanessa T. Moody** was a temporary secretary in the same chambers during the Summer .... **Donna De Young** has come from the Bureau of the Census to be secretary-receptionist in **Mark Cannon's** office .... **Jacqueline Brock** was a temporary secretary in the Public Information Office during the Summer.

## LAW LIBRARIES ASSOCIATION

**Librarian Jacobs** is the new president of he association. There are 3,000 members. At the annual meeting of the group in late June and early July, at the Washington Hilton, new law library technology was explored. All or part of the meeting was attended by **Betty Clowers, Pat Evans, Sara Sonet, Steven Barkan, Sharron FitzGerald, Emily Porter, Clare Bailey** and **Kathleen Hanley.**

## DEPARTURES

A farewell reception was given to **Virginia Twitty,** the laundress, who worked here for 34 years, and to **Iris Lee** of the labor force who contributed 27 years .... **Laura Carlan** of the Public Information office resigned to enter Wake Forest law school.

## OTHER PERSONALS

**Marjorie Vaughan's** first grandchild is **Brian Christopher Holmes** (seven pounds, fourteen ounces) .... **Jim Robbins** is a graduate of the Institute for Court Management in Denver. The ICM was founded at the Chief Justice's urging and now has a roster of 358 alumni .... **Vincent Burke's** sister, **Eileen,** is a fine arts graduate from Syracuse U. and another sister, **Valerie,** has been awarded her M.D. from Mt. Sinai Medical School ... **Frank Gasparro** has retired as Chief Engraver of the United States Mint. He designed the medallion of **Chief Justice Burger** and many other medals and coins including the Susan B. Anthony dollar, the Eisenhower moon-landing dollar, and the reverse sides of the Kennedy half dollar and the Lincoln Memorial penny .... **Mary Beth Clark** vacationed in Bermuda .... **Henry Johnson** visited relatives at Myrtle Beach, South Carolina.

## OBITUARIES

Condolences go to **Bill Matthews** on the death of his father, **James H. Matthews Sr.,** and to **Ann Parker,** the elevator operator, and **Charles Parker** the messenger, on the death of **Mrs. Memmie G. Parker.** Mrs. Parker was Ann's mother and Charles' grandmother.

## FIRST AID

By Kathy Guidi R.N.

"Flu" vaccine will be available for the next two months for all employes (room 8). The U.S. Public Health Service Advisory Committee on Immunization Practices recommends this for all with chronic health conditions. The same is recommended for all over 65 and all who provide essential services.

## SPORTS

By Thomas West

Our softball team got off to another fast start this year. Senator Matthias' staff forfeited a game to us and we defeated the teams of Senator Biden (10-8), the Securities and Exchange Commission (12-8), Senator Sarbanes (14-6), Senator Spector (19-4), the Grocery Management Association (15-12), Senator Bradley (11-8) and the astronaut, Senator Glenn (10-7.) We dropped these games: to the Commerce Department 8-9, Senator Williams' staff 10-12 and the Architect of the Capitol force, 9-12.

## POLICE

**Officer Beth Cooper** enjoyed a vacation snorkeling in the Florida Keys but the flat islands provided no opportunity for her other favorite sport, hang gliding ... **Officer John H. Drexhagen, Jr.** is back after leg surgery .... **Sergeant Willy Williams** had a good season at first base and at the plate for the Police softball team. He had more than his share of triples, homers and RBI's. **Sue Stevens** at shortstop was another star in the field and at bat .... **Officer Howard Martin** shot 15-mile rapids in West Virginia, making appropriate use of prayer amidst the worst white water .... The tourist traffic has abated slightly this year compared with last. During the first five months 239,342 persons entered the building compared with 277,425 during the same period in 1980. The courtroom lectures were heard by 63,159 persons (as against 80,679 the year before), and 27,955 observers attended Oral Arguments (33,071 in the comparable 1980 period).

## LIFE SAVING

By Lieutenant Joseph Reil

Have you taken the CPR course (Cardiopulmonary Resuscitation)? Do sign up for it. Join your colleagues, many of whom are already qualified. The life that may be saved may be your own! Our police are well trained in CPR. Among others who have been certified in the heart and lung activation techniques are **Vic Dahlquist, Carolyn Dupree, Kathy Hance, Tim Moore, Charles Parker, Tina Patrick, Walter Robertson, John Sharp, Nadine Tyree, Laura Carlan, Efthalia Triarhos, James Buchanan, Maeva Marcus, James Perry, Betsy Saxon, Bernardine Morielli, Benny Lu, Derek Butler** and **Vicki Messent.**

## DISABILITY RETIREMENT

By Kathy Hance

The rules on disability retirement have been tightened. To be eligible one must be incapacitated for work in available positions at the same pay grade. Come to room 5 if you wish details.

## CARPOOLING

By Darlene Pohlod

Do you wish to carpool? It saves precious gas. Employees all over Capitol Hill are registered in the carpool computer. See me for your neighborhood match-up.

## MYSTERY PHOTO

*Foto-Paramount*

The cover photo portrays a familiar, yet puzzling, scene. The seating for the guests of Justices in the foreground is unexceptionable. The lawyer's briefcase open on the table for pleading counsel at the left of the picture is something often observed at Oral Argument. The grillwork at the section for the news reporters at the top left of the photo (the north corridor), the desk for the Clerk of the Court hard abaft the American flag, the handsome grained marble in front of the bench, the gently curved bench itself, the high-backed chairs for most of the Justices, and the plump marble columns behind the bench, all of these are things which Court personnel have observed many times.

But something is wrong! How did the photographer get the picture? Ever since the time of Matthew Brady in the Civil War at the birth of the new pictorial art, cameras have been forbidden while Justices are on the Supreme Court bench.

And who are these Justices, including the woman junior Justice at the extreme right? One and all they seem to be strangers and indeed they are - all of them are movie actors including the "Justices' guests" and the stand-in for **Al Stevas** at the far end of the bench. And the location is not Washington, D.C. but rather Hollywood, California. What is shown on the cover is a Paramount Pictures set reproducing in smallest detail our Courtroom for a motion picture, "First Monday in October", a fictional account of the appointment of the first woman Justice. Jill Clayburgh, at the extreme right, plays the part of the new Justice. Walter Matthau at the right of the "Chief Justice" fills the role of the senior Associate Justice.

The photo above is Hollywood's impression of the center of the Court bench. Walter Matthau, on the left, occupies a tufted chair similar to the heirloom from the government's Civil War days which **Justice Douglas** used during his thirty-six years here (a chair now in the museum in Yakima, Washington.) For theatrical purposes Ronald Neame, the Englishman who is the director of "First Monday in October", has left open the maroon curtains to show the marble door casings leading across the East corridor of our first floor to the vestibule of the **Chief Justice's** chambers. Also for dramatic purposes, the plain chair which all Justices use has been made a bit more distinctive in the fictional Chief Justice's case by topping it with some elaborate scroll work unknown here.

MAR 22 1982

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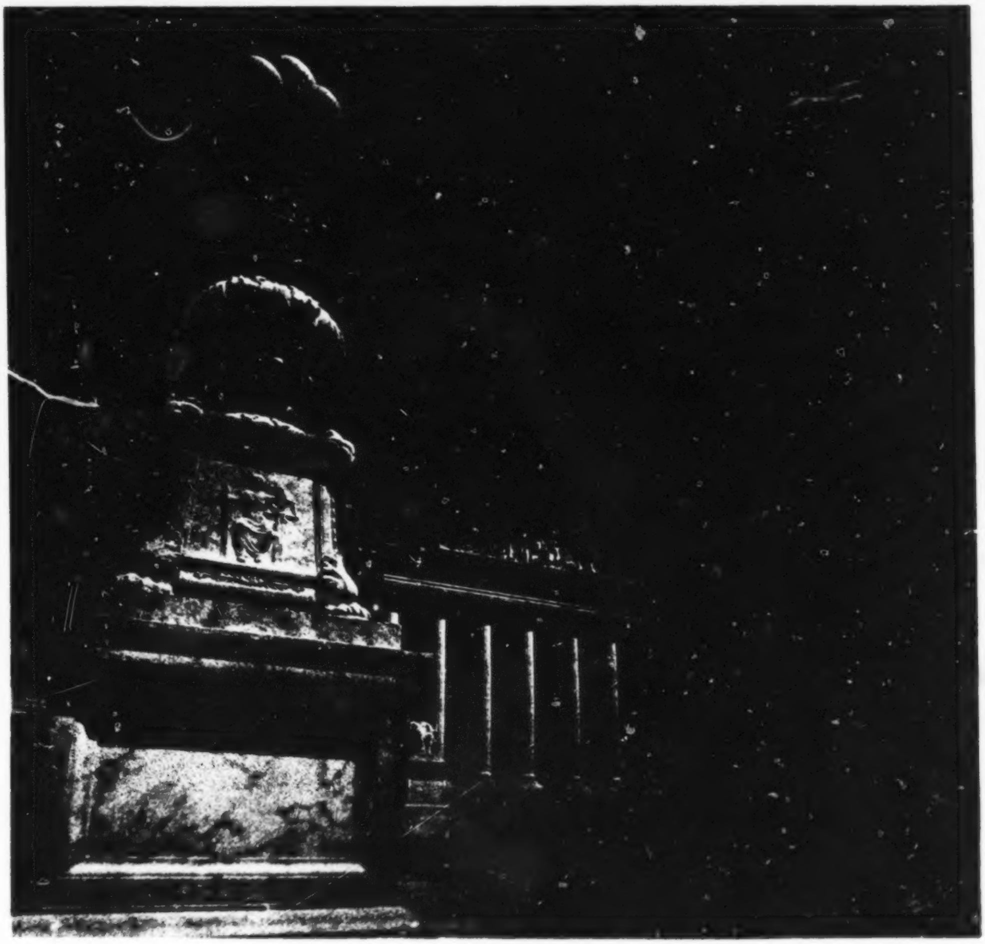
MERRY CHRISTMAS! HAPPY NEW YEAR!

# The Docket Sheet

Cantin

SUPREME COURT OF THE UNITED STATES

**VOLUME 18, NUMBER 6** **DECEMBER 1981-JANUARY 1982**



## BLINDFOLDED JUSTICE

**Photo-Neubauer**

**(See Page 2)**

## NEW TERM

The huge and expanded caseload of the Court was reflected again this year in the final statistics for the 1980 Term, and the size of the Conference List on the eve of the new Term.

During the 1980 Term 5,144 cases were on the docket; there was a disposition for 4,255. Looking back thirty years you can see the contrast. In the 1951 Term there were only 1,368 cases on the docket, little over a fourth of the present total. The Justices disposed that year of 1,222 of the cases.* The upcurve in litigation reaching the Court can be seen in the size of the docket in successive decades since then: 2,585 docketed cases in 1961, and 4,533 in 1971.

The conference list on which the Justices worked in the final week before the first Monday in October was the second longest in the 191-year Court history with approximately 1,060 petitions for writs of certiorari, appeals, petitions for rehearing, requests for extraordinary writs and separate motions. The total was only about forty short of the largest such conference agenda ever, the one of September 1980.

This was the seventh successive year in which the Justices have met during the week prior to the new Term to screen cases and to go immediately into hearing the first cases at the moment the new Term started. In earlier years the appearance on the bench on October's first Monday was largely ceremonial. The long conference followed later in the same week.

**These figures were little changed from forty years earlier. In the 1921 Term there were 1,040 cases on the docket. Disposition went to 603 of them.*

## TO THE EDITOR

"Two years ago **Lieutenant Rell** and **Officer Cooper** . . . talked me into attending a CPR* program . . . While visiting my brother and his wife, she fell victim to a heart seizure and I was forced to use CPR . . . Later, the doctor stated that without this vital function my brother's wife would not be alive today . . . Believe me when I say that I will be attending the next refresher class", **Paul Taggart**.

**Cardiopulmonary resuscitation. See the Docket Sheet of October 1981. The Court police periodically teach the life-saving techniques to interested staffers.*

## COVER BOX

Although Washington has no statue of Blindfolded Justice, the traditional depiction of the role of the courts is in the bas relief of the left front candelabrum just off the First Street sidewalk (cover picture by John Neubauer). Paris boasts two statues of blindfolded justice (A. Dumont's 1833 figure at the Chamber of Deputies and H. Chevalier's stone sculpture at the Tribunal of Commerce on the Seine). Rome has Raphael's painting in the Vatican's Stanza della Segnatura and Guillaume Della Porta's tomb of Pope Paul III in St. Peter's Basilica. The concept of Justice as a figure blindfolded against distractions and deceptions, ready with scales to weigh good and evil, and armed with a sword with which to enforce decisions, goes back in art at least to the Renaissance and to the Middle Ages.*

**For more on Blindfolded Justice see the Docket Sheet of April 1978.*

## HAPPY BIRTHDAY

*'n January, on the 23rd, to* **Justice Stewart,**

And in December to:

3 **Katy Downs**
**Susan Hepner**
4 **Ronald Jones**
5 **John Dwyer**
6 **Jennie Lazowski**
**David Campbell**
8 **Harold Koh**
9 **William Fender**
**Ray Sellner**
10 **Alfred Crawford**
**Norman Manasa**
14 **Kenneth Richardson**
17 **Robert J. Martin**
**Vantross Thompkins**
**Sherlin Duff**
20 **Robert Sigona**
**Eugene Terry**
**James Wible**
22 **Daniel Pipeling**
24 **Bennu Lu**
**Maeva Marcus**
25 **Russell Boston**
**Willie Elam**
27 **Johanna Patchan**
**Joseph Schafer**
30 **Marjorie Vaughan**
**Claude Archie**
31 **Jacquetta Roberts**
**Robert Nell**

And in January to:

1 **Roger Jacobs**
**Linda Rickman**
2 **Betty Clowers**
3 **Maggie DuPree**
**James R. Perry**
4 **Richard Fallon**
**John Knechtle**
5 **Mary Ann Sust**
**Lou Cornio**
8 **Paul Kahn**
**Leo Jackson**
**John C. Mc Auliffe**
9 **John Yoder**
10 **Lyle Evanoff**
13 **James Zagami**
**Janie Mundey**
16 **Odessa White**
**Judith McMurrow**
18 **Jessie White**
21 **Bernard J. Bishop**
22 **Kevin Ferguson**
**David Wilkins**
**Emily Porter**
24 **Mary Mikva**
25 **Sandy Dorsey**
**Richard Khu**
26 **William Gulles**
**Vonzelle Lewis**
27 **Louse Covington**
**Jane McHale**
**Carolin Pride**
29 **Donald Lee Crawford**
**Henry Ritter**
30 **William Brannon**
**Al Stevas**
31 **Ginny Egelston**
**Betsy Saxon**

## 102ND JUSTICE

**Justice O'Connor** was sworn in September 25 as the 102d person to serve on this Court through the course of its 191-year history.

The Justice's arrival raised the Far Western membership of the Court to one-third for only the second time in history. Justice O'Connor is a Texas native, appointed from Arizona. **Justice White**, a Coloradan, was appointed from his home state in the Rocky Mountains. **Justice Rehnquist**, a Wisconsin native, was another appointed from Arizona. The only other time the far West has had as much as a third of the Court's membership was from 1923 to 1925 when **Justice Joseph McKenna** (appointed from California), **Justice Willis Van Devanter** (from Wyoming) and **Justice George Sutherland** (from Utah) were together on the Bench. None of the three, however, were Western natives. Justice Sutherland was born in England, Justice McKenna in Pennsylvania and Justice Van Devanter in Indiana.

Other precedents were set by the Justice's arrival. Among them is the fact that the appointment of Justice O'Connor gives the Court possibly the first two law school classmates to serve here simultaneously. Justice O'Connor and Rehnquist were fellow Editors of the Stanford Law Review.

Justice O'Connor was Arizona's Assistant Attorney General from 1965 to 1969, a state senator in Arizona from 1969 to 1975, Arizona Senate Majority Leader, 1973-1974, Judge of the Maricopa County Superior Court, 1975-1979, and Judge of the Arizona Court of Appeals, 1979 until this year. Justice O'Connor is this Court's first appointee from a state court since **Justice Brennan** came from the New Jersey Supreme Court in 1956 and **Justice Cardozo** came from the New York Court of Appeals in 1932.

Justice O'Connor will be known as the first woman to serve on the Court. The appointment called attention to the great increase in the number of women now in law schools, in the legal profession and on the Bench. The first woman on the federal bench was Genevieve Cline in 1928, on the Court of Claims. Florence Allen was the first woman on the United States Court of Appeals (in 1933 in the Sixth Circuit). Burnita Shelton Matthews was the first woman on the United States District Courts (in D.C., in 1949). By August, 1981, eleven women were on the Courts of Appeals and 31 on the District Court benches.

The seat Justice O'Connor occupies traces to 1837. when the Court, originally consisting of six Justices, was expanded for the first time to the present nine. (In 1863 it went to an authorized total of ten, in 1866 to a newly assigned total of eight, and in 1869 back to nine). The first Justice to occupy Justice O'Connor's seat was **John McKinley** (1837-1852), followed by **John Campbell** (1862-1877), **John Marshall Harlan** (1877-1911), **Mahlon Pitney** (1912-1922), **Edward Sanford** (1923-1930), **Owen Roberts** (1930-1945), **Harold Burton** (1945-1958) and **Potter Stewart** (1958-1981).

Every Court event attracts lively public and media interest but Justice O'Connor's investiture broke records. One hundred and seventy-one media representatives: writers, photographers, artists and TV crew members were accredited by **Mary Beth Clark, Lisa Davis** and **Ginny Egleston** (on loan) in the Public Information Office. ABC alone sent a crew of eight. The Hartford Courant, the Arizona Business Gazette, the Orlando (Florida) Sentinel, the London Daily Express, and German TV, plus all the major wires, newspaper, news magazines and networks. covered.

Among the many staffers kept busy was **Ed Douglas** who was occupied part time for three weeks building the chair Justice O'Connor occupies on the bench. It was modeled after Justice White's high-backed chair and is identical to the chairs Ed assembled earlier for the **Chief Justice** and for **Justices Blackmun, Powell, Rehnquist** and **Stevens. Ed Douglas,** in 1969, also made the desk Justice O'Connor has in her chambers. It is the desk **Earl Warren** used in retirement here.

Another chair attracted attention. It was used briefly by Justice O'Connor before she was invited to the Bench to be sworn in. It was the one **Chief Justice Marshall** had used at the Bench a century and a half ago. It was willed to this Court in 1936. This was the fourth time a new Justice had sat in the chair briefly before investiture; Justices Powell, Rehnquist and Stevens made similar use.

## THE COURT IN HISTORY

**190 years ago, December 15, 1791.** Ratification of the Bill of Rights.

**180 years ago, December 1801.** A candidate for a Justice of the Peace job in D.C., **William Marbury,** applies to the Court for a writ of mandamus, setting in motion the machinery for the assertion of the Court's role as Constitutional interpreter.

**December 1801.** The Court sits for the last time before a 14-month recess caused by Jeffersonian legislation.

**125 years ago, December 1856.** The Court hears the Dred Scott case for the second and last time.

**100 years ago, December 20, 1881. Horace Gray,** the father of the law clerk system, appointed to the Court.

**50 years ago, January 12, 1932, retirement of Oliver Wendell Holmes,** 90 years old, one of the first members to have a modern law degree.

**10 years ago, January 7, 1972. Justice Powell** and **Rehnquist** join the Court.

## THE JUSTICES

Three Justices visited the Department of Justice to swear in officers. The **Chief Justice** administered the oath to J. Paul McGrath, one of the Chief Justice's successors as Assistant Attorney General in charge of the civil division. He also swore in William Bradford Reynolds as Assistant Attorney General, Civil Rights Division. **Justice White** administered the oath to one of his former law clerks, **Rex Edwin Lee** (1963), the new Solicitor General. **Justice O'Connor** swore in Robert A. McConnell, Assistant Attorney General for Legislative Affairs.

The National Law Center (George Washington University) conferred its degree of Doctor of Laws on the Chief Justice. In late Summer the Chief Justice visited the People's Republic of China, discussing American concepts of justice and judicial administration. En route home the Chief Justice visited judicial authorities in Japan. He addressed a meeting at the Tokyo American Center.

**Justices White, Powell** and **Stevens** took part in the proceedings at the ABA convention in New Orleans.

Justice White serves now as the Circuit Justice of two circuits - the 10th (Colorado, Kansas, New Mexico, Oklahoma, Utah and Wyoming), but also the 5th (Louisiana, Texas, Mississippi and the Canal Zone.)

The working model of Reuben Kramer's statue of **Justice Thurgood Marshall** has been installed on permanent loan in the Lillie Carroll Jackson Museum for the Masses in Baltimore. The finished 8-foot-tall bronze statue is at the Federal Courthouse in the same city.

Justice Powell attended ceremonies in Atlanta marking the establishment of the new 11 Circuit of which he is Circuit Justice (Alabama, Georgia, Florida). The Justice paid tribute to the old 5th Circuit (twenty-six judges in seven Southern states plus the Canal Zone) the country's most populous and busiest Court of Appeals from which the 11th was formed . . .

The Vanderbilt Law Review published "Point, Counterpoint: the Evolution of American Political Philosophy", a lecture **Justice Rehnquist** gave at Vanderbilt in November, 1980 as part of the law school's Cecil Sims series . . . " 'All Discord, Harmony not Understood': the Performance of the Supreme Court of the United States" was published in the Arizona Law Review. It was the text of an address Justice Rehnquist gave at the University of Arizona in October 1980.

Langley High School in Fairfax County prides itself in getting outstanding graduation speakers drawn from the parents' association and 1981 was in that tradition as Justice Stevens, father of graduating Sue, spoke to the outgoing class.

Justice O'Connor swore in the new head of the Civil Aeronautics Board.

**Justice Stewart** has the chambers on the south side of the first floor which Justice Douglas formerly occupied.

## RICHARD KHU

**Richard Khu** of the cabinet maker's staff is an American citizen now. Since the Khus came from Korea as immigrants during the 1970s Mr. Khu has been at the Court. When the Khu family decided to apply for American citizenship, the **Chief Justice** and **Mrs. Burger** agreed to be sponsors, and the Chief Justice was invited to sit on the District Court bench in Alexandria July 20, 1981 when the Khus, in a class of sixty-nine, were naturalized. The Immigration and Naturalization Service said that, to the best of its knowledge, this was the first time in the national history that a Chief Justice had served as the naturalization sponsor while occupying a place on the bench for the induction ceremomy. The Khus are a family of four including **Jan,** a daughter, who is 14, and **Jae,** 12, a son.

## DID YOU KNOW

That although the Office of the Clerk is 191 years old and it has had only seventeen occupants, more than a third of the number are living? They are **Harold B. Willey** who was Clerk from 1952 to 1956, **John T. Fey,** 1956-1958, Chief Judge **James R. Browning** of the 9th Circuit (1958-1961), **John F. Davis** (here recently as a Special Master; Clerk 1958-1961), **E. Robert Seaver** (1970-1972), **Michael Rodak Jr.** who retired during the past year (1972-1981) and the present clerk, **Al Stevas.** Part of the reason for such a remarkable percentage is that many of the Clerks served for long periods: **Elias B. Caldwell** (1800) for 25 years, **William T. Carroll** (1827) for 36 years, and **C. Elmore Cropley** (1927) for 25.

## YESTERYEAR IN THE DOCKET SHEET

January, 1960: "Our young police force, as part of its physical fitness program, has organized a good basketball team, so they claim. Anyhow, they feel confident to challenge any group in the building. The law clerks, who beat the law clerks of the Court of Appeals in touch football, may just find time to take up this challenge."

## JUDICIAL FELLOWS

**Ronald K. L. Collins, Joyce H. Plotnikoff** and **E. Keith Stott Jr.**, L. to R. above are the current Judicial Fellows as the program goes into its sixth year here at the Court and at the Federal Judicial Center and AO. Arranged by the National Academy of Public Administration, the program is designed to enlist the insights of young practitioners of other social sciences, while giving men and women from academia an understanding of the workings and needs of justice.

Ronald Collins has a B.A. from the U. of California (1971) and a J.D. from Loyola Law School in Los Angeles (1975). He chaired the first West Coast Conference on Constitutional Law. He was a teaching fellow at Stanford Law School and a clerk for Associate Justice Hans A. Linde of the Oregon Supreme Court. He is the author of many law-related articles and was the editor (1980) of "Constitutional Government in America."

Joyce Plotnikoff has a diploma from the U. of Paris (1967), an LL.B. (with honors) from the U. of Bristol in England (1970) and a graduate degree in Social and Administrative Studies from Oxford (1972). She has served as a probation officer in England and also for three and a half years, as a Federal Probation Officer in Illinois. Her article on "A Problem for Law and Social Work: Social Enquiry Reports on People Pleading Not Guilty' has had a wide English audience. Recently Miss Plotnikoff served as an attorney advisor in AO's clerk division.

Keith Stott is a graduate of Brigham Young (1967) and the U. of Utah law school (1970) and is completing a public administration doctorate from the U. of Colorado. He has done a major study of judicial performance. Keith was coauthor of a study of rural court administration while at the National Center for State Courts in Denver and for four years has served as Deputy State Court Administrator in Colorado.

Ronald Collins is already here. Joyce Plotnikoff and Keith Stott will come in the next several weeks.

The alumni and alumnae of the Judicial Fellows program are active both in court administration and in academia. Former Judge **John C. Yoder** (1980) is special assistant to **Mark Cannon.*** **Carroll Seron,** also class of 1980, is a research associate at the Federal Judicial Center. **Michael Tonsing,** a third member of the 1980 group, is Assistant U.S. Attorney in the civil division in San Francisco. **Philip L. Dubois** (1979), Assistant Professor of Political Science at the U. of California, has had his public law dissertation published by the U. of Texas Press "From Ballot to Bench: Judicial Elections and the Quest for Accountability". **Gary Aichele** of the same class is Executive Director of the Supreme Court Historical Society. **Donald P. Ubell,** '80, is Chief Commissioner of the Michigan Supreme Court. **Jim Robbins,** '78, is Personnel and Organizational Development Officer of our Court. **Bill Daniels,** of the same year, is Associate Professor of Political Science at Union College. **Jeffrey Morris,** '76, is in the U. of Pennsylvania Political Science Department. **Larry C. Farmer,** also '76, is designing a computer system to help lawyers with substantive aspects of their practice.

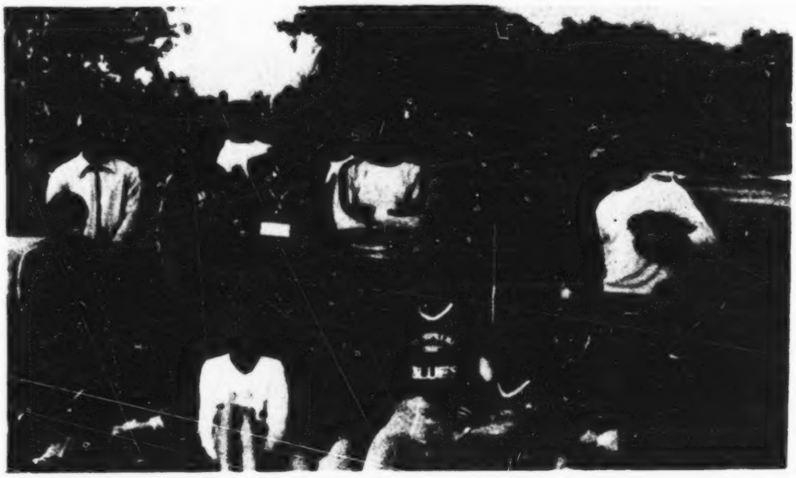
Also, **Paul Baier,** '75, a professor at the Louisiana State U. law school, is at work with **Mrs. Elizabeth Black** on an article and book on **Justice Black. Jack R. Buchanan,** '75, until now director of the Federal Judicial Center's division for innovations and systems development, is leaving there to form his own management consulting firm. **Gordon Gee,** '73, the Court's first Personnel Officer, dean of the West Virginia U. law school, has just been chosen as his university's president; at 37 he becomes the youngest president of the country's 100 largest research universities. **Russell Wheeler,** '73, another of the first group of Judicial Fellows, is Assistant Director of the Federal Judicial Center.**

**See "Administrative Assistant" in the "Back of the Book".*

***For further information on the Judicial Fellows, see the Docket Sheets of September 1980, March and October 1977, and April 1974.*

# BACK OF THE BOOK
# 'OM AROUND THE BUILDING

## CHAMPIONS



## SPORTS

By **Steven Ulrich**

This was a great year for the Police Softball Team as you can see from the Federal Judicial Softball League Championship Team plaque on display in the bulletin case outside the ground floor police room. There were ten regular season games, most of them played at Catholic University. The Court of Customs, the Justice Department, the Federal Energy Regulators, Management Review, The University Research Center, the 13th Street Walkers, the Sabers, and the Hawaiian Blue Sox were the opposition. Our team was 5 - 5 at season's end, just high enough to make the bottom tier of the playoffs. Management Review went down 23-9 in the first round. The Hawaiian Blue Sox were edged out 9-8 in the quarter finals. University Research was the teams's next victim, 9-5, in the semifinals. **Joe Caldwell's** 8th inning homer was the victory margin against the AO. (9-8) in the finals. Earlier in the season the team vanquished **Officer Steve Sokoloski's** pick up team, 11-9.

(Shown in the picture are - front row: **Sharon Taylor, Jane Korte, Eileen Fregosi, Sue Herndon, Luther Isaac, Donald Baker, Fred Flynn** and **E.J. Shegonee;** center row - **Joe Caldwell, Bob Weaver, Willie Williams, Joshua Brooks, Steven Ulrich, Allyson Wilber** and **Ron Jones;** and back row - **Ray Bonner, Ron May, Maynard Brown, Paul Higgs, Hillie Luckett** and **Willie Williams Jr.** Absent from the photo are **Rick Schickele, Tim Carey, Carolyn Pride** and **Pat Jones.)**

## MORE SPORTS

By **Thomas West**

The Supreme Court "All-Stars" softball team, coached by **Joe Jacobs,** played seventeen games during the past season. We are in the Senate Staff League. In division play we won ten games and lost two. That put us in the divisional playoffs, tied for second place. But the season ended there. The team of Senator Williams of New Jersey beat us, leaving us with a not-bad 10-3 record for the year.

## CLERK'S OFFICE

Clerk **Al Stevas** has been honored anew. He was guest of honor at a D.C. chapter luncheon of the George Washington Law Association, receiving the group's Professional Achievement Award for an outstanding career.

The occasion was an annual faculty-alumni session honoring the G.W. University National Law Center faculty. Al is a 1951 graduate of the center and has served parttime on its faculty. The 107-year-old Daily Washington Law Reporter, recounting the event, commented that Al, in his thirty years as an Assistant United States Attorney and court clerk in D.C., has been known for "outstanding and innovative leadership".

Chief Deputy Clerk **Frank Lorson** still savors the memory of a great Summer trip. He travelled ten days on a coastal steamer in and out of the Norwegian fjords and getting as far north as the Barents Sea on the edge of the Arctic Ocean. He did the rest of the Baltic Sea area before heading home: Helsinki, Stockholm, Oslo and Copenhagen.

**Laura Fleming** took a Burroughs course in Philadelphia . . **Susan Morris** of Poland, Ohio, is an

(continued on next page)

intern here under the American University's Washington Semester Program. She will go on presently to studies at Wooster (Ohio) College.

## THE MARSHAL

By **Al Wcng**

Our large phone bill continues to be a problem. Do keep in mind several important points. We are charged for each individual FTS call made between 8 a.m. and 5 p.m. In a sense the FTS calls are free outside that time period. All personal long distance calls are to be charged to one's own home phone. (To do that dial 9, operator, the area code and the number; the operator will come on the line to get the home number.) FTS charges for long distance information calls but they are free if you dial 9, the area code and 555-1212. For local information, save funds by using the directories. And do keep calls brief!

We are nearing the end of the annual leave period. Do remember that not more than 240 hours can be carried behind the first days of January unless administrative errors, the needs of work or illness caused a failure to use the hours beyond 240. (In the case of these exceptions you may request that the extra hours be placed in a special account to be drawn upon within two years.)

**Sam Seabrook** is taking a course in "Introduction to law for Paralegals" . . . **Marjorie Vaughan, Trudy Fry** and **Nadine Tyree** are studying "Federal Travel Regulations and Procedures" . . . **Kathy Hance** was at the Office of Personnel Management for two days, taking part in a seminar on "Health Benefits, Life Insurance and Retirement" . . . **Henry Johnson** enjoyed a trip to old home haunts in Myrtle Beach, South Carolina.

**Tim Moore** has transferred to **Justice O'Connor's** chambers as here messenger. **John Sharp** has gone to a local law firm while he completes his studies at the Georgetown Univeristy Law Center. We will miss both here at the Marshal's office.

## REPORTER OF DECISIONS

By **Henry Lind**

Our staff feted **Ron Jones** in the Library of Congress' new buffet-style cafeteria on the occasion of his award of an M.A. in Legislative Affairs from George Washington U. (This is an off-campus graduate program run by GWU's Columbian College of Arts/Sciences.) Congratulations to **Dan** and **Linda Long** on the birth of their second son, **Nathan Andrew** . . . Our staff has made good use of recent annual leave. **Judy Ronningen** visited Michigan and Illinois. **Johanna Patchan** was in Atlantic City. **John Antonio** went to Bermuda. **Henry Ritter** was down at Ocean City. I had some time on Cape Cod, in Rhode Island and at the Thousands Islands on the Canadian border.

## LIBRARY

By **Roger Jacobs**

**Penny Hazelton**, chief of one of our three departments (Research), has come to the Court with an extensive background in the law and in related research. She has her B.A. cum laude from Linfield College (political science), and her J.D. from the Northwestern School of Law of Lewis and Clark College. At Northwestern she worked part time as the Serials Librarian, and served also as Articles Editor for "Environmental Law". She has a Masters in Law Librarianship from the University of Washington. She served as president and secretary/treasurer of the Law Librarians of New England. Recently she was on the faculty of the University of Maine School of Law where she was Associate Professor of Law, and Law Librarian. In the latter role she oversaw a 150,000-book collection and a staff of eleven. While at the University of Maine she also taught Legal Research, Indian Law and Law and Medicine. Penny is a member of the Washington bar, the ABA and the American Association of Law Libraries.

Automation continues to work miracles in the Library, supplementing our 250,000 books. It is hard to see now how we were able to function without our several information-retrieval systems. The research staff has been thoroughly trained in the use of LEXIS, WESTLAW, JURIS, DIALOG, BRS, NYTIS, and SCORPIO. The Code of Federal Regulations is now on WESTLAW, and LEXIS offers the Federal Register and U.S. Supreme Court Records and Briefs from the 1979 Term. Our non-legal data base systems give us access to the entire collection of the Library of Congress catalogued since 1968, as well as many Congressional files. Is it any surprise that, when one chamber asked how far a truck could carry wet cement before the mixture set, we had a fast answer!

**Susan Hepner** has joined us as a messenger. She is a graduate of Middlebury (Vermont) College . . . **Kevin Tolbert** is taking a course at the Department of Agriculture on "Introduction to Library Techniques" . . . **Patricia Evans** was in Minneapolis for the second national ACRL (American College and Research Libraries) Conference. In addition, she attended a one-day seminar on "Writing the Journal Article and Getting it Published. I was in Pittsburgh for two days at a conference on "The Challenge of Change - Critical Choices for Library Decision-makers".

## CHAMBERS

**Linda Blandford** is **Justice O'Connor's** secretary. Linda worked until now in the chambers of **Justice Powell.** She was responsible for making early recommendations with regard to automation which led to the installation of Wang and Atex systems in the **Court.** (For those efforts she received the first $1,000 incentive award in 1978) ... **Sandy Dorsey** has moved from the Clerk's Office to become Justice O'Connor's Assistant Secretary.

**Ginny Eggleston** who was **Justice Stewart's** second secretary, is serving at present in a similar capacity in **Justice Powell's** chambers . . . **Maynard Brown** has left the Library to become **Justice Blackmun's** messenger.

(continued on next page)

## ADMINISTRATIVE ASSISTANT

By **Mark Cannon**

**John Yoder** is the new Special Assistant in our office, succeeding **Jeffrey Morris** who is teaching now at the University of Pennsylvania. John was here during the past year as a Judicial Fellow. He has an A.B. from the U. of Kansas, and an M.B.A. from the U. of Chicago. John served four years as a District Court judge in Kansas. Elected at 25, he was the youngest ever to serve in Kansas as a general jurisdiction judge. Making use of good judicial administrative practices, he eliminated a heavy case backlog. John, further, has been an Assistant Professor of Business at Goshen (Indiana) College, has been president and chairman of a small oil and gas exploration company in Kansas, is a member of the Kansas and Indiana bars, has studied at the National Judicial College and the National College for Juvenile Justice, and is a biographee in Who's Who in Finance and Industry and Who's Who in the World.

**Niki Kuckes** is our new Intern Coordinator postponing Yale graduate studies for a year. She served during the past Summer as a Judicial Intern . . . Interns this Fall have included **Stephen Britt** (U. of Chicago junior), **William Eigner** (Stanford U. graduate), **Daniel Golden** (senior at the U. of California at Santa Cruz), and **Linda Morgan** (a Smith junior.)

## LEGAL OFFICE

By **Joe Caldwell**

**Dave Schlueter** is with us as Associate legal Officer. He has come with a wide background. He has a B.A. in English form Texas A&M , a J.D. from Baylor and an L.L.M. from Virginia. At Baylor he was editor of the law school newsletter and business manager of the law review. He is a member of the Texas and D.C. bars and has been active in the criminal justice division of the ABA. He has come from the Army Judge Advocate General School where, as an Associate Professor of Law, he taught criminal law for four years. While in that role he was co-author of a book on the military's new rules of evidence. For the past three years Dave has also travelled often to Chicago to teach the Prosecuting Attorney course at the Northwestern U. law school and, from 1979 to 1980, he performed also as a lecturer-in-law at the U. of Virginia law school.

**Vincent Burke** is with us now as a Legal Research Assistant. Incidentally, his sister, **Dr. Valerie,** is a resident now at Carney Hospital, Dorchester, Mass., the same institution where **Kathy Guidi** served.

## COMPUTERS

By **Jim Donovan**

Just a reminder that all in-house printing previously done by the Print Shop is now being handled by the Publications Unit. Bring requests to the windowof Room 20 on the ground floor. **Roland Goldstraw** is Supervisor of the Unit. Allow adequate time as Opinions, of course, take precedence.

The Publications Unit is well into the work of turning out this Term's opinions, using, for the first time, the **Atex** computer system. Even those familiar with the new equipment are impressed with its accomplishments. The computer "thinks through" where footnotes should appear, organizes the pages, and then typesets the opinion electronically at the remarkable rate of one page per minute. The pages are then run through photoprocessing steps and reproduced on the new highspeed Xerox copier. The "turn around" time involved in printing documents at the Court is being significantly improved.

**Richard Threlfall** is our new phototypesetter, working the second shift. He has come from the Nave Typographic Service . . . **Benny Lu** took a one-week ATEX course in Bedford, Mass. ..... As Director of Data Systems, I attended a two-day ATEX conference in Albuquerque, New Mexico. Also, in September, I addressed a D.C. meeting on automation in the criminal justice system.

## PERSONNEL OFFICE

**Betsy Saxon** is now the Assistant Personnel Officer. . **Jim Robbins** attended a two-day National Symposium on Court Management at San Diego.

## CURATOR'S OFFICE

**Betsy Trumble,** the Court's tour director, is now **Mrs. Michael Strawderman.** The Strawdermans were wed in Christ Church in D.C. and sailed the West Indies on their honeymoon (Dutch, French and British-related islands: St. Kitts, St. Martin, Saba, Sint Eustatius and St. Barthelemy.)

## PUBLIC INFORMATION OFFICE

**Lisa Davis** is the new assistant in the Information Office. Formerly she was with the Voice of America. Her college transcript included two B's, but the other 30 marks were A's . . . With **Eleanor May** practicing law in Hartford, Connecticut, and **Joan Sprince** nearing completion of her work on a Virginia U. J.D., nearly half a dozen of the Information Office assistants in the same number of years have arranged to embark on the road to becoming lawyers.

## ARCHITECT OF THE CAPITOL

**Janice Lee Marlin** is **Don Perry's** receptionist . . . New to the staff are **Larry Czechansky** (formerly with **Ed Douglas**), **Ivan Thompson** and **Robin Veney.**

## IRS

By **Connie Murphy**

The W-2 form (the wage and tax statement) will be distributed to all employees in January. Please let us know in the Marshal's Office if your address changed this year. Several Washington suburbs were redistricted last Summer, changing cities and zip codes. If that happened in your area, do let us know.

The Docket Sheet is published **bi-monthly**. by the Public Information Officer, **Barrett McGurn.** Assistant editors are **Mary Beth Clark** and **Lisa Davis.** Typesetting and printing are by Di Cesare & Associates.

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ORIGINAL

# The Docket Sheet

SUPREME COURT OF THE UNITED STATES

**VOLUME 19, NUMBER 1**

**FEBRUARY-MARCH 1982**

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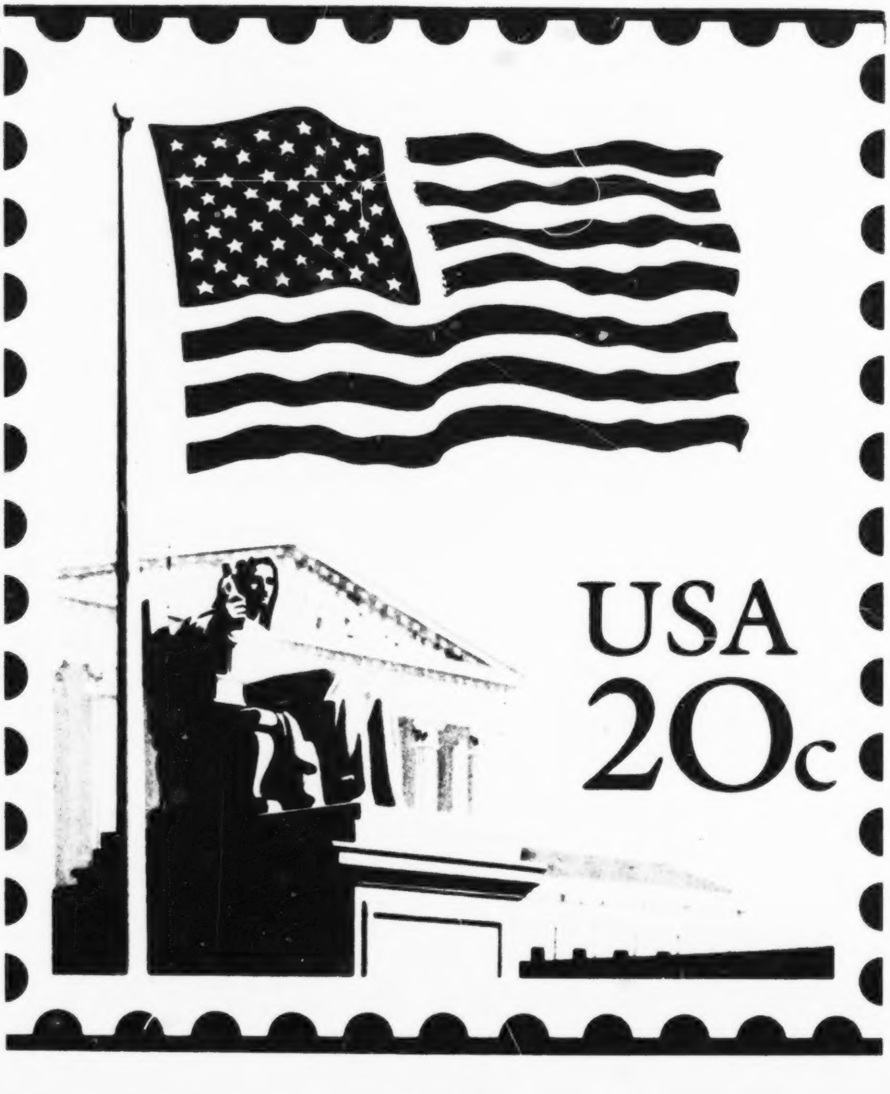

STAMP

(See Page 2)

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BEST DOCUMENT AVAILABLE

## JUSTICE DOUGLAS

Construction of a replica of **Justice Douglas'** chambers is nearing completion at the Yakima Valley Museum on Tieton Drive, in Yakima, Washington State.

Builders of the replica are making use of photos of the chambers which were provided by **Montana ("Monty") Podva***, the last of the fifty-three Douglas law clerks. Shown here in the photo is the construction team at work. Charles Maissen, cabinet maker and lead carpenter, is second from the left. With him are three volunteers, all of them retired men: from left to right, D.E. "Barney" Barngrover, who was an industrial arts teacher, Lowell Wedge, who was a printer, and M.C. Hansen, who was a corporation executive. The Yakima museum with its collection of Far West souvenirs has a long tradition of support work by volunteers.

Although Justice Douglas was a Minnesota native, he looked on Yakima as home town, according to data assembled by **William O. Pugh**, director of the Yakima museum. The Justice was valedictorian of the North Yakima High School in 1916, returning in 1920 for a while as a teacher at the school. He wrote later about desert conditions of the Yakima Valley prior to irrigation projects, and also about the nearby mountain wildernesses. In later years the Justice summered at not-distant Goose Prairie on the Bumping River in the Cascade Mountains.

The chambers replica is open on one side for viewing. Although the Justice's official court files have remained in Washington, the Yakima Douglas collection includes 360 original speech manuscripts of the 1935-1975 period, microfilms of six or seven years of correspondence exchanged with President Franklin D. Roosevelt prior to World War II, and several tons of Douglas books, furniture and artifacts.

*Monty Podva writes that a birthday celebration of Justice Douglas on the 83rd anniversary of his birth was held last Fall at the California Resources Agency. Monty is now in law practice in Sacramento, the California state capital. Former Douglas staffers including Monty, **William Cohen, Carol Bruch** and **Rebecca Judge** attended. Huey Johnson, secretary of the state agency, spoke of his inspiring first meeting with history's 71st Associate Justice, and added that the sole wall decoration in his office is the Douglas dissent in the Mineral King case. Flapping outside the Resources Agency building as the ceremony proceeded was the flag which flew above our building on the day the Justice died.

## COVER BOX*

The Supreme Court for the twelfth time in 86 years has been honored in a postage stamp. It is a current twenty-cent adhesive issued in three forms: sheets, rolls and booklets.

The current stamp shows the nation's flag fluttering above the peaked roof of the Court building. Artistic license has been taken with the placement of **James Earle Fraser's** statuary group, "Contemplation of Justice;" it has been moved forward to get a better pictorial angle.

"Contemplation of Justice," which is on the left hand spur of the staircase in front of the building, is appearing for the third time as a postage fee symbol. The thoughtful face and the blindfolded figure of justice were reproduced in close-up on ten-cent postcards in 1978. The first use of the statuary group was so miniscule that a magnifying glass was needed to discern it. It was on a three-cent stamp issued in connection with the 150th anniversary of the District of Columbia in 1950. Various Washington buildings were portrayed in a series that year. A shot of the front of this building used on the three-cent stamp showed the Fraser statues on either side of the front steps.

Other stamps honoring Justices of history have been these: **Chief Justice John Marshall** on $5 stamps in 1895, 1902 and in a 1954-1968 "liberty" series, **Chief Justice John Jay** on a 15-cent stamp in the 1954-1968 sequence, **Chief Justice Harlan Fiske Stone** (1948, three-cent stamp), **Chief Justice Charles Evans Hughes** (1962, four-cent stamp), **Chief Justice William Howard Taft** (four cents in 1930 and 50 cents in 1938), and **Oliver Wendell Holmes** (fifteen cents, 1968). The West frieze in the courtroom was used on a 1953 ABA stamp.

*For more on "the Court on stamps" see the Docket Sheets of December 1977 and November 1978.

BEST DOCUMENT AVAILABLE

## THE BOOKS OF JUSTICE BLACK

**Associate Librarian Betty Clowers** and **Eileen Fregosi** have completed a great project with regard to the Library's collection of books of **Justice Hugo Black.***

The Justice was an omnivorous reader, especially favoring the works of the ancient Greeks and Romans, plus the writings of Thomas Jefferson. Handwritten indexes enabled the Justice to retrace favorite quotations. As **Professor Daniel J. Meador** (1954 law clerk to Justice Black) has pointed out in his 200-page volume, "Mr. Justice Black and His Books,"** the Justice wrote scribbled remarks copiously in nearly 1,000 of his books, underlining what he saw as key passages - agreeing with some, strongly disapproving others.

The Black books are in a special room in the Library. Betty, over a two-year period, saw to it that all the marginal notations were microfilmed, thus guaranteeing that they will never be lost. A good half of the volumes in the Library's Black collection were shipped temporarily to the National Records Center where the photography was done. These volumes included works on law, philosophy, history, economics, literature, government, education and biography. Betty notes:

"As might be expected, books on Constitutional law, the Supreme Court and the Justices, and United States history are among those most heavily annotated.

"Other heavily marked books include those by and about early Greek and Roman philosophers and the works of John Locke, Thomas Macaulay, John Stuart Mill, Arnold Toynbee and Montesquieu.

"Thomas Hart Benton's 'Thirty Years View, or, A History of the Working of the American Government for Thirty Years, from 1820 to 1850,' was possibly the most heavily annotated work in the collection and was microfilmed in its entirety."

Samples of the marginal notes were reported in Professor Meador's book:

In Livy's "History of Rome," the margins comment: "like Pearl Harbor," and "like FDR."

"The Greening of America" by **Charles Reich** (a Black clerk in 1953) showed that personal friendship did not keep the Justice from saying nay. Where Reich suggested some withering of the American dream, the Justice penned: "I do not agree. It is not yet destroyed." Where the same author referred to the narrowing effect of law school instruction, Justice Black wrote: "not necessarily at all."

In what was probably the book favored above all others, Edith Hamilton's "The Greek Way," Justice Black underlined a remark Professor Meador identified as coinciding with the Justice's own literary views: "Clarity and simplicity of statement, the watchwords of the thinker, were the Greek poets' watchwords too."

Adam Smith's "An Inquiry into the Nature and Causes of the Wealth of Nations," volume 10 of the Harvard Classics, inspired many handwritten index notes inside the back cover: "Natural liberty is subordinated to good of all people, (page) 263." "The uniform, constant and uninterrupted effort of every man to better his condition, the **principle from which** the public and national as well as **private opulence** is originally derived, 283." (Justice's own emphasis).

In the back cover of Jefferson's "Memoir, Correspondence, and Miscellanies, Vol. I" is this index note:

"Were we directed from Washington when to sow and when to reap, we should soon want for bread'. (Page) 66."

A "No" with an explanation point is in the margin next to one comment by **Professor Paul Freund** (law clerk to **Justice Brandeis** in 1932) in his volume, 'The Supreme Court of the United States." The author had suggested that Justice Black in Hague v. C.I.O. " was apparently reconciled to the conclusion that ..... protection under the privileges and immunities **clause would be limited to the citizens of the United States, excluding aliens as well as corporations."** (Justice's underlining.)

*For more on Justice Black's books see the Docket Sheet of March 1975.

**University Press of Virginia, 1974.

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## THE COURT IN HISTORY

**175 years ago, February 24, 1807.** Congress expands the Court from the original six members to seven.

**145 years ago, March 18, 1837.** - Court expanded for first time to nine members.

**125 years ago, March 6, 1857.** Court hands down the fateful **Dred Scott** decision.

**50 years ago, March 2, 1932. Benjamin Nathan Cardozo,** the final Hoover appointee, joins the Court.

**45 years ago, February 5, 1937.** Franklin Roosevelt's "court-packing" message to Congress.

**25 years ago, February 25, 1957.** Retirement of **Stanley Forman Reed,** the second Roosevelt appointee to the Court.

**10 years ago, March 1, 1972.** Congress creates the position of Administrative Assistant to the Chief Justice with **Mark Cannon** soon tapped as the first incumbent.

The Docket Sheet is published bi-monthly by the Public Information Officer, **Barrett McGurn.** Assistant editors are **Mary Beth Clark** and **Lisa Davis**. Printing and typesetting is by DiCesare and Associates.

## WOMEN PLEADINGS - 75th ANNIVERSARY

January slipped by without a celebration of a significant milestone in the role of women here at the court. It was the 75th anniversary of the first pleading by a woman lawyer.

Thanks are due to **Penny Hazelton** and **Pat Evans** of the Library for research on this. What they found was this:

**Belva A. Lockwood**, then seventy-six years old, appeared before the Court in January 1906 to plead the case of U.S. v. Cherokee Nation (202 U.S. 101, 1906). Mrs. Lockwood was no stranger to Court history at the time. It was she who had come to the court in 1876 to request admission to the Bar, only to be told that custom forbade female memberships. Undaunted, it was also she who drafted the legislation that opened Court bar membership to women, 20 Stat. 292. With that law on the books she was admitted to bar membership March 3, 1879. Twenty-eight years had to elapse, however, before her historic first argument.

Penny and Pat searched the data bases in the Library to make sure that Mrs. Lockwood was indeed the first woman to plead before the Court. Although they found this important fact registered in only three places, they are satisfied that it is real. There is a Washington Post article of 1906 to that effect. Julia H. Winner's book, "Belva A. Lockwood" (page 97), and the annals of the Niagara County Historical Society (Number 19, 1969) all say the same.

The Cherokee Indian case was argued on January 17 and 18 in 1906. Mrs. Lockwood was defending the interests of the Eastern and Emigrant Cherokee Indians against a Court of Claims ruling. This Court upheld the judgment of the lower court, thus awarding the Cherokees something more than $5 million, a handsome sum in that era. Various Lockwood biographies suggest that Mrs. Lockwood won the full $5 million for her clients but the research done by Penny and Pat indicate that Mrs. Lockwood's Cherokees received less than that. Mrs. Lockwood had appealed for one quarter of the sum but the case was joined with two other appeals and the $5 million was apportioned among a number of Cherokee claimants, thus giving Mrs. Lockwood's clients something less than she had requested.

*For more on Belva Lockwood see "A Century of Women" in the May 1979 Docket Sheet.

### Library
### Supreme Court of the United States

*By Sharron Fitzgerald*

Additions of Interest:

BASS, Jack. Unlikely heroes: dramatic story of Southern Judges of Fifth Circuit who translated Supreme Court's Brown decision into a revolution of equality. Simon & Schuster, 1981.

BAUM, Lawrence. The Supreme Court. Congressional Quarterly Press, 1981.

BOCK, Betty. Antitrust and the Supreme Court: an economic exploration. Conference Board, New York, 1980.

COPPA & AVERY CONSULTANTS: Supreme Court: a bibliographical overview of an institutional decision maker. Vance Bibliographies, Monticello, Illinois, 1980.

CORTNER, Richard C.Supreme Court and and the second Bill of Rights . . . the nationalization of civil liberties. U. of Wisconsin, 1980.

HAW, James. Stormy patriot: life of **Samuel Chase.** Maryland Historical Society, 1980.

REDENIUS, Charles M. American ideal of equality: from Jefferson's declaration to **Burger** court. Kennikat, 1981.

## HAPPY BIRTHDAY

In March to **Justice O'Connor.**

In February to:

**1 Eva Douglas**
**Jim Robbins**
**2 June Hoffman**
**Carter Dove**
**3 Ed Faircloth**
**Janet Barnes**
**Norma Smedley**
**8 Willie Hamilton**
**Wilma Kimmerly**
**Susan Herndon**
**9 Robert Chase**
**Roland Goldstraw**
**Mathew Hawkins**
**10 Steven Barkan**
**11 Charles Akins**
**Chris Jordan**
**13 Tim Moore**
**16 Steve Sokoloski**
**20 Joseph McFalls**
**James Kendrick**
**22 Evelyn Anderson**
**Bettie Claude**
**26 Beth Cooper**
**John Wiley**
**Charles Johnson**
**28 Edward Hall**
**29 John Carroll**

And also in March to:

**1 Bernard Glasper**
**2 Maynard Brown**
**5 Louis Moore**
**7 Ed Mitchell**
**8 Mary Elmore**
**9 Frank Daniels**
**12 William McDonald**
**16 Darryl E. Wright**
**17 Phillip Wood**
**Ronald May**
**18 Pauline Hicks**
**Barbara Brown**
**Dale Cross**
**25 Al Wong**
**27 Joe Caldwell**
**Harry Fenwick**
**28 Joshua Brooks**
**29 James Nash**
**David De Bruin**
**31 Jimmie Jones**

## LAW CLERKS

Sixteen law schools are represented among the present thirty-two law clerks. Six are from Harvard, three each from Yale, Michigan, Chicago and Stanford, and two each from Virginia, the University of California at Los Angeles and Columbia. Others represented this year are Georgetown, Notre Dame, Northwestern, Arizona, Pennsylvania, Texas, Utah and Yeshiva.

This brings to sixty-nine the number of law clerks Harvard has provided over the past decade. Yale has sent fifty, Virginia twenty-six, Stanford twenty-five, Chicago twenty-four, Michigan nineteen, Columbia fifteen, and Pennsylvania fourteen.

Others have included California at Los Angeles, California at Berkeley, and Texas, each seven; Northwestern and Georgetown, each six; New York University five; and Duke and Boston University, each three. Two each have come from Brigham Young, Catholic University, Indiana, Loyola, Notre Dame, Arizona, Illinois, the University of the Pacific, and South Carolina. In all, forty-nine law schools have contributed clerks during the past decade. Other schools which have been represented include Arizona State, Boalt Hall, Boston College, Cornell, Dickinson, Franklin Thomas Backus (Case Western), George Washington, Northeastern, Alabama, Colorado, Kentucky, Miami, Minnesota, Mississippi, North Carolina, Santa Clara, Southern California, Washington, Vanderbilt, Villanova, Washburn, and Washington & Lee.

## ALUMNI

**Rex Edwin Lee** (clerk for **Justice White** in 1963) is Solicitor General .... and is the author of "A Lawyer Looks at the Equal Rights Amendment" .... **David D. Hiller,** who clerked for **Justice Stewart** in 1979 after completing Harvard College and Law studies, is a special assistant to Attorney General William French Smith .... **Elliott Richardson** (Clerk for **Justice Frankfurter** in 1948), now senior resident partner of Milbank, Tweed, Hadley & McCloy, told the Young Lawyers Section of the D.C. Bar Association, experiences as Presidential Special Representative to the Law of the Sea Conference, reputedly history's most widely attended conference .

## QUOTATIONS

"Nothing is more certain in modern society than the principle that there are no absolutes, that a name, a phrase, a standard has meaning only when associated with the considerations that gave birth to the nomenclature", **Chief Justice Vinson,** speaking for the majority in Eugene Dennis v. the United States, June 4, 1951.

"No concrete case is before us. We have here an abstract controversy over the use of these words, and it is as sterile as abstract controversies usually are", **Justice Jackson,** delivering the Opinion of the Court in Regal Knitwear Company v. the National Labor Relations Board, January 29, 1945.

## NORMAN MANASA

Justices are accustomed to being in the headlines but it is not every day or even every year that a member of the staff finds himself the subject of a full newspaper column. Just that, however, happened in recent weeks to **Norman Manasa** whose recent chores have included instruction to the law clerks on how to use the ATEX word processing and computer system.

The column was by William Raspberry and was published on the "Op-Ed" page of the Washington Post. Mr. Raspberry said that Norman has come up with an idea which Mayor Marion Barry and the Superintendent of Schools, Floretta McKenzie, have endorsed. The idea is that college students should be given academic credit in exchange for volunteer work teaching youths and even prisoners in jail how to read and also how to develop other basic skills such as writing, the use of fractions, the handling of a dictionary and so on.

As Norman envisages it, this would be a profitable two-way street. Illiterates in the early elementary grades or even those of more mature years would have the great doors of literature and employability opened to them, while the participating college students would come to know some of the grimmer realities of the real world, might develop compassion, and would work directly under a professor's guidance to be sure that the needs of an academic credit program would be met. The expense? Not much, since the students already pay tuition. Norman's estimate: $150,000 for two years with ninety undergraduates at work each semester.

Columnist Raspberry was warmly supportive, pointing out that Ethiopia and Somalia have something similar. He indicated that Norman already has had experience with a similar project. At the University of Miami, Norman got a similar scheme adopted. It ran for four years. One thousand students took part.

Mr. Raspberry quoted Superintendent McKenzie: "There is no doubt that this sort of intensive tutorial instruction, done in the classroom as a supplement to the work of the teacher, would be of great help to our students."

The catch? There is one! So far no local university has agreed. If folks like columnist Raspberry have much to say, however, that hurdle at some point should be overcome.

## BACK OF THE BOOK
## FROM AROUND THE BUILDING

### THE JUSTICES

The **Chief Justice** and **Justice Blackmun** joined President Reagan and others at a ceremony at the Library of Congress dedicating the James Madison Memorial Hall. Dominated by an eleven-foot tall Carrara marble statue of the fourth President, the room and Independence Avenue building are the sole Madison memorials in D.C. Earlier, Justice Blackmun visited Princeton University to address a constitutional law class of Walter F. Murphy, author of the recent "Vicar of Christ".

Scribes, the American Society of Writers on Legal Subjects, gave its annual award for the best book conveying the spirit and meaning of the legal profession to James Simon for "Independent Journey - the Life of **William O. Douglas**".

### CLERK'S OFFICE

More than a quarter of the Clerks of the Court's 191year history were present as an oil portrait of one of them was presented to the Court. The Clerk honored by the presentation was **John T. Fey** (1956-1958). His picture hangs now near **Rob Kuhn's** desk. Others present were the present Clerk, **Al Stevas,** his immediate predecessor, **Mike Rodak, John F. Davis** and **Chief Judge James R. Browning** of the 9th Circuit. Two other former clerks, unable to attend, sent letters: **Harold B.Willey** and **E. Robert Seaver.** Mr. Fey left the Court close to a quarter of a century ago to become President of the U. of Vermont. He is now retired as Chairman of the Equitable Life Assurance Society.

**Ruth Butler** is an Assistant Clerk. She was Deputy Clerk, Case Management Division, at the 4th Circuit in Richmond ....

By **Al Wong**

**Deputy Marshal Dina Zucconi** has information on federal health benefit changes which took effect at the start of this year. It is available for those interested .... **Mildred Smith** and **Queen Minor** are new housekeepers, and **David Sattler** is a messenger. David has a B.A. with distinction from the U. of Virginia. Government was his major.

### LIBRARY

Librarian Roger Jacobs is the author of a preface and index of "Memorials of the Justices of the Supreme Court of the United States", a volume bringing together the memorial proceedings for Justices who died during the 1864-1971 period. The Supreme Court Historical Society and the Fred B. Rothman Company are the publishers. Tributes of the past decade were omitted because they are already available in West's Supreme Court Reporter. The memorials were seen as an important footnote to Court history ... Librarian Jacobs spoke on "the future of law school libraries" at a conference at New York University arranged by the NYU law school and a section of the ABA.

**Timothy Lee** is a temporary messenger in the library .... **Eileen Fregosi** studied computers at Catholic U.... **Karen Bizier** took part in a "basic conservation" workshop sponsored by the Society of American Archivists.... **Laura Colbert,** temporary messenger, has wed **Jeffrey Donahue.**

### CHAMBERS

**Linda Rickman** of Justice Stevens' chambers has been taking an evening Gregg shorthand course at the Department of Agriculture.... **Janet Pulley** of Justice Rehnquist's chambers is now **Mrs. Jim Barnes.**

### COMPUTERS

BY **Jim Donovan**

**Benny Lu** studied at the Department of Agriculture: "ADP Project Management: Myth or Reality?"(ADP is automated data processing) ... **Richard Threlfall,** on the night shift, has made good use of daytime hunting hours in recent months. He missed a 4-prong buck at 30 yards with a bow and arrow (due to brush deflection) but he was able to make good use of his recipes for squirrel, rabbit and goose.

### SECRETARIAL SUPPORT

**Maggie Dupree** is on maternity leave until early Spring.... **Dean Ann Grzanka,** who has contributed photos to the Docket Sheet, studied proofreading at the Department of Agriculture.

### CAFETERIA

by **Paul Taggart**

The **John C. Lewis** Food Service operates our cafeteria and snack bar now. **Betty McDonald** is manager. Other new faces are those of **Lilly Fortune, Frank Harris** and **Richard Molnar.** The Lewis company is in its fourth year, does catering and has other facilities at the Naval Surface Weapons Center in Whiteoaks, Maryland, and at the Harry Diamond Lab in Adelphi, Maryland.

The cafeteria committee has been hard at work and hopes that the many innovations have pleased you. The new salad bar has enjoyed a few raves. Besides the varied cafeteria menu (roast beef, crab cakes, London Broil, Mexican platters, sub sandwiches, Hungarian goulash, veal parmigiana, manicotti, Mulligatawny soup, shis kebab, quiche Lorraine and so on), the snack bar on occasion offers six-foot Hoagies. (These are sandwiches on slabs of

*(Continued on Next Page)*

## BACK OF THE BOOK *(Continued from Page 6)*

bread six feet long, loaded with bologna, salami, ham, Provolone, olives, lettuce and tomatoes. At 40 cents an inch you lop off what you want. Three inches is average. One hearty eater has taken eight.)

Most prices are reduced by fifteen percent for employees so be sure that you are known. We have had to raise coffee to twenty cents but that is only the first increase in six years. If you have trouble with the vending machines, the cafeteria cashier will provide the appropriate refund ....... A few housekeeping items: the kitchen area, by D.C. code, is closed to all but cafeteria personnel. Plastic utensils should be used in all cases when food leaves the cafeteria.

## INTERNS

**Anna Lisa Bergman, Kevin Condrin Dwyer, Jeffrey R. Finci,** and **James Kent Voyles** are the Winter interns in **Mark Cannon's** office. Anna Lisa Bergman comes from East Wilton, Maine. She has a B.A., magna cum laude, with major honors in Political Philosophy, from Wellesley. Mountain climbing, horseback jumping, skiing and Scottish dancing are among her interests .... Kevin Dwyer has an A.B. from Notre Dame where he majored in government and international studies. He has completed a Yale Fellowship B.A. with honors and is embarked on a Yale Ph.D. in political science .... Jeffrey Finci has a B.A. in economics from the University of California at Berkeley. Fluent in Spanish he has traveled widely in this country, in Europe and in Israel .... James Voyles is another linguist (Italian). A junior at Brigham Young, his interests include football, skiing, jogging, ice skating and geneology.

## DEPARTURES

**Ron Thongtavee,** messenger for **Justice Blackmun** for the past half decade, has gone to the Santa Monica area of California to open a stained glass shop. Ron came to the Court seven years ago, working for a year as a messenger on the staff of the Marshal, and then for a second year as **Justice Reed's** messenger. Ron and his wife, **Karen,** have one child, a son, **Jeremy ... Tina Patrick** has left the Marshal's staff to go to ballet school in Portland, Maine. The course there will take two or three years. On graduation, Tina hopes to teach ballet to pre-professional students ... Others who have left the Court are **officers Leonard Zawistowski,** and **Larry Czechanski, Bernardine Wright, Ted Dickens, Frank Hicks, Faye Veney** and **Brenda Crew.**

## OBITUARIES

Condolences go to **Roland Goldstraw** on the death of his mother on October 2 .... They go also to the family of **Thomas Corcoran,** law clerk here for **Justice Holmes,** in 1926.

### SUGGESTION

Keep in mind **Marshal Wong's** admonition to keep official FTS calls short and to make as many of them as possible before 8 a.m. or after 5 p.m. The Court's use of the FTS lines declined substantially from August to September 1981 (the latest reporting period) and that means a significant help for the institutional budget. FTS does not charge for calls during the fifteen-hour slack period starting at 5 p.m.

## THE HOLMES DEVISE

A gift to the people of the United States contained in the 46-year-old will of **Justice Oliver Wendell Holmes** is gradually taking concrete shape: a definitive ten-volume history of the Supreme Court of the United States.

When Justice Holmes died at 93 in 1935, he bequeathed part of his estate to the nation's citizens. In 1955 Congress appointed a committee which in turn embarked upon this history project. Four of the ten volumes are now in print. The latest, just issued, is Volume II: "Foundations of Power: **John Marshall,** 1801-1815."

**Professor Paul Freund** of Harvard Law School, 1932 law clerk here for **Justice Brandeis,** is the author of the foreword to Volume II. He says:

"In the period covered by this volume - roughly the first half of John Marshall's Chief Justiceship - the Supreme Court faced one or another of two dark fates ... benign obscurity or ... go down under the lash of active contempt. How Marshall and his colleagues were able to escape these opposing perils and establish the authority of the Court is the pervading theme of this richly documented and multidimensional study."

Target date for completion of the series is 1985. Already in print are Volumes I ("Antecedents and Beginnings to 1800," by **Julius Goebel),** V ("The Taney Period, 1836-1864," by **Carl Swisher),** and VI ("Reconstruction and Reunion, 1864-1888," by **Charles Fairman).** The authors of this latest volume are **George L. Haskins,** Algernon Sydney Biddle Professor of Law at the University of Pennsylvania, and **Herbert A. Johnson,** Professor of Law and History at the University of South Carolina.

The Docket Sheet is your publication. Share with us your photos, your original writings, and your news and that of your colleagues (room SC-G 42, extensions 23211-2-3.) Take home a copy of the Docket Sheet. Keep a file as a souvenir of your time at the Court.

## FALLIBLE COMPUTER

**Walter T. Fisher,** a member of the bar of this Court, was looking forward with pleasure on the morning of November 10 to hearing his stepson, **Stephen J. Pollak,** argue in behalf of Julius Mullins et al. in the Kaiser Steel Corporation case (80-1345). One of the Justices had invited Mr. Fisher to be his guest in the reserved area, but Mr. Fisher preferred instead merely to take his place with the other members of this bar.

Then the trouble started. The usual check of the roster of bar members, a list of more than 100,000, was made with the help of the computer and up came the answer: no Walter T. Fisher. Trying to assist, Mr. Fisher mentioned his date of birth: February 20, 1892; — that didn't help either. Mr. Fisher gave up and sat in the Justices' box. But the matter nettled. He wrote to **Clerk Al Stevas,** lamenting. Computers, he said, seem to make "non-persons" out of people. Couldn't Al help? Al could and did. He remembered that the present roll of bar members, all of them registered in the computer, goes back only to 1925. What if Mr. Fisher had been admitted more than fifty-seven years ago? Perhaps that birthdate was a clue: Mr. Fisher is 90 years old. Al went back through the Journal and there it was, the first item, on Tuesday, April 18, 1922:

> "Present: The Chief Justice (**former President William Howard Taft**), **Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, Mr. Justice McReynolds, Mr. Justice Brandeis** and **Mr. Justice Clarke.** Walter T. Fisher of Chicago, Ill. ... (was) admitted to practice."

Clerk Stevas made swift amends. He sent Mr. Fisher a copy of the 1922 Journal entry and also a photo of Mr. Fisher's official attorney card. He assured the lawyer that "stored in the (National) Archives" is the roll book "wherein you affixed your signature." He assured Mr. Fisher that "beyond any doubt you are a member of this Bar in good standing." For good measure Al inserted Mr. Fisher's name in the computer as possibly the only pre-1925 lawyer so listed and, for still further measure, gave instructions to all concerned to provide appropriate handling to any bar members who signed up earlier than fifty-seven years in the past.

Al added in a note to Mr. Fisher that April 1922 was an important date for him too: he was born just a few months after that. "If I should be so fortunate to attain your age, I trust the computer will still reflect that I was admitted to the Bar in 1955," he added.

Mr. Fisher took it all in fine grace. He said it was "impossible for me to be angry ... because of the helpful things the Clerk's Office has done for me when I had cases in the Court in past years." As for being "fortunate," he continued:

> "I am sure you are right in referring to my attainment of my present age as fortunate. It has been great **so far.** But I recall the centenarian who, when asked to what he attributed living so long, replied: 'nothing but plain bad luck'."

## TO THE EDITOR

"Your July 1981 issue was particularly noteworthy to the law clerk alumni of this firm. You accurately state the number of former clerks among the members of the firm and listed six of them. The seventh, **Randall C. Nelson (J. White,** 1976) was not listed......Randy's inclusion would have evidenced what I suspect is another record for us: probably a larger number of former Justice White law clerks than any other firm in the country," **Paul J. Meyer,** Martori, Meyer, Hendricks & **Victor,** Phoenix.

(Mr. Meyer, a clerk of **Chief Justice Warren** in 1968, is a founder of his firm. Besides Mr. Nelson, two other partners were clerks of Justice White: David Victor in 1968 and **James Scarboro** in 1971).

"Although the Martori, Meyer firm may well have the highest percentage of former Supreme Court clerks among its membership, I thought I would point out that my firm also has seven former Supreme Court law clerks among its lawyers: **William T. Coleman, Jr., (J. Frankfurter** 1948), **Warren Christopher (J. Douglas** 1949), **Richard E. Sherwood (J. Frankfurter** 1954), **Janet L. Wright** (J. Douglas 1972), **Ira M. Feinberg (J. Marshall** 1973), **Carl R. Schenker, Jr. (J. Powell** 1975) and **Barton H. Thompson, Jr. (J. Rehnquist** (1977), Ira M. Feinberg, O'Melveny & Myers, Los Angeles.

"Thank you for including me in the July Docket Sheet .... I will soon graduate from Rice and will keep you informed," **Michael A. Guth,** Vice President for External Affairs, Rice Student Association, Houston.

(Mike Guth was a summer messenger).

"It has come to my attention that the Docket Sheet (had) a short article concerning the movie, "First Monday in October"*.... As a "court watcher" I enjoyed the movie and tried to remember how faithful it was to the true Supreme Court which I had the good fortune to visit last year," J.P. Walle, Detroit.

"It's a ... good movie," Jack Valenti, Motion Picture Producers of America.